SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, APRIL 25, 2005

8:30 A.M.

(PAGES 7326 THROUGH 7371)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 7326

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Santa Maria, California
Monday, April 25, 2005
8:30 a.m.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Good morning.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE COURT: Let's see. There was an issue you wanted to address, Counsel?
MR. MESEREAU: Yes. Yes, please, Your Honor. Thank you.
Your Honor, I was informed by the prosecution this morning that they want to call Cindy Montgomery as a witness. As the Court may recall, the Court essentially disqualified Miss Montgomery last week because she's going to assert a Fifth Amendment privilege on certain issues related to a secret taping of Mr. Jackson on a plane.
The prosecution informed me this morning after I got to court that they have decided to grant her immunity. This is a surprise to the defense, and I was not prepared to examine her today. I have materials on Miss Montgomery that are not with me today, and it would be prejudicial to the defense 7328

for them to suddenly decide to immunize her and call her without us being aware of that.
The second issue, Your Honor, has to do with a witness named Hamid, who the prosecution intends to call today. We were given proper notice that he was to testify, but we were notified last night by Prosecutor Auchincloss that there is a tape of an interview that we have not heard and certainly have not had a chance to transcribe. So because we have not been able to do that, we'd request that Hamid not testify today.
I am told by Ms. Yu, who spoke to Mr. Auchincloss, that the tape is apparently not that lengthy, but we could not transcribe it in time, obviously, and I would need that for cross-examination. Based upon the information given to Ms. Yu by Mr. Auchincloss, there could be some significant information of value to us in that tape.
They're the two requests, Your Honor.
MR. AUCHINCLOSS: Your Honor, I'll go ahead and address the Hamid issue first. Mr. Nicola will talk about Miss Montgomery.
Mr. Moslehi was interviewed on Saturday by myself and Detective Robel, and he gave us information on four points, basically that were summarized in four sentences, that I provided to the defense yesterday.
Detective Robel recorded that conversation 7329

on a digital recorder. He came back to Santa Maria yesterday and downloaded it and made a CD copy of that. And yesterday afternoon when he had finished that, we contacted the defense and tried to set up a meeting place where we could provide them with that tape. That didn't work out. It was -- the evening kind of became -- it became somewhat late and Miss Yu said she couldn't make it to deliver that document, or that tape. I also provided Mr. Sanger an e-mail with a copy of the four bullet points and I told Miss Yu yesterday the substance of those four points. So that's where we stand.

Mr. Moslehi is a witness that -- probably our lengthiest witness today. So he was anticipated to take up most of the day. And I'll just say that the discovery was certainly timely in the fact that we turned it over as soon as we -- as soon as we obtained it.

THE COURT: All right.

MR. NICOLA: Good morning, Your Honor.

I filed a declaration, a motion for reconsideration, and had those documents served on the defense by fax on Friday morning, and we filed it with the Court Friday morning, as well, with respect to Ms. Montgomery.

And essentially in the declaration I believe I laid out that we received late notice on Wednesday that Ms. Montgomery would assert the Fifth on 7330

Friday -- or on Thursday, excuse me. We didn't have time to contact the U.S. Attorney and see their stance. On Thursday, after the Court's ruling, I was in touch with both Miss Montgomery's attorney and the U.S. Attorney. A decision was made at that time to offer use immunity for Miss Montgomery since she was claiming the Fifth. And upon hearing Thursday afternoon that everybody was okay with that, including the U.S. Attorney, I filed my motions as quickly as I could Friday morning. I know we faxed them to Mr. Sanger's office. I have no knowledge whether he received them or Mr. Mesereau did, but we did file it, and there is a proof of service on file.

MR. SANGER: I see that we have six pending matters and then I was handed some more material just this morning. So we just may need time to sort this out, Your Honor. I think we're all trying to do this as efficiently as possible.

On the Montgomery issue, we received sometime on Friday -- and I don't think it was in the morning. I didn't see it until the end of the day. Of course we were not in session, so it was sent to me. But there was a motion to grant her use immunity, which, as I understand it, is something that the People are going to have to apply to the Court for, and then the Court has to determine whether or not to grant it, and the witness has to

decide whether or not to testify based on use immunity, because there's a question as to whether or not this Court can bind the U.S. Attorney.
I heard the prosecution just say something about being in contact with the U.S. Attorney, and my recollection is - and it may be faulty - that that was not concluded as of the time they filed their papers. The papers indicated that they were intending to make the motion, but there was no indication from the U.S. Attorney that they were going to abide by any grant of immunity that this Court made. So that is an issue that obviously needs to be heard, and there's several parts to it.
Our part, whether or not the Court grants immunity -- I mean, we're not here to argue one way or the other on a grant of immunity. The Court can do that based on other criteria.
The -- as far as the Hamid material is concerned, I did not get the four points. I believe Miss Yu got the four points just as of the end of the day last night. We got the tape or the interview just this morning, so obviously I don't know how long it is. If it's an hour long, we need an hour to listen to it. We have not heard his most recent interview.
So I -- I don't think that we can proceed with Mr. Moslehi without having an opportunity to hear the latest interview or, you know, take some 7332

other -- I think that's all we can do is hear it before he testifies.
I would indicate that, just so we're all on the same page, if I may, Your Honor, quickly, the other matters that are pending would be the Marc Schaffel matter, which I think the Court has. I was given some new material for Exhibit 420 by the prosecutor just this morning, at 8:30, which is one of the exhibits that we have objected to, and so there will need to be a hearing on all of that at some point. And I don't know if they intend to call him later today or tomorrow or when, but before he's called. That was a matter from last week that has been carried over, and we'll need to have a ruling on that.
And then we have the motion -- the People's motion to present the testimony of Alexander Manchester, to which we object, and we filed an objection on Friday.
And by the way, we filed our objection - I think the Court has it - on Thursday, on the first motion I addressed, which is the Schaffel exhibits.
We addressed just now the Cindy Montgomery issue of immunity.
The fourth one would be a motion by the prosecution to present testimony of Debbie Rowe.
We filed an opposition -- that was received Thursday. We filed an opposition Friday. I take it 7333

the Court has that.
And then five, there was a motion for reconsideration of admitting some material the Court had excluded. That motion was filed on Thursday, and we filed our opposition on Friday.
And then the last thing is there was a proposed jury instruction on Chris Carter's taking the Fifth that we had discussed on Thursday. The Court had discussed that and said we should present something. We sent that to the District Attorney's Office on Friday for review and comment. We received no response. So we filed our proposed jury instruction this morning for the Court's consideration and I gave another copy to Mr. Auchincloss.
So I show those six matters as still pending, in addition to anything else that might come up here.
THE COURT: I didn't see the proposed jury instruction.
Did we get that?
I haven't seen it.
MR. SANGER: We wanted the prosecution to have an opportunity to respond, so we gave it to them on Friday. We just filed it this morning, and gave it to your secretary, Ms. Wagner, this morning, I think 15 minutes ago.
MR. SNEDDON: Judge, I wouldn't worry about 7334

it. Mr. Carter is not going to be testifying.
THE COURT: Okay. I won't worry about it.
(Laughter.)
MR. SANGER: Five matters, then.
THE COURT: On the issue of the Attorney General, who spoke to the Attorney General on the use immunity?
MR. NICOLA: The U.S. Attorney's Office, Your Honor, and Cindy Montgomery?
THE COURT: Yes.
MR. NICOLA: I spoke to them. They are not offering her use immunity. They didn't oppose us offering use immunity. Our contact with them is merely a formality between offices.
THE COURT: What rights does that give her with them?
MR. NICOLA: Well, I believe that a state court's grant of use immunity under the legal standard that we set forth in our brief covers her in federal court. They're not allowed to use her statements, her derivative evidence from that against them.
Her attorney is here today, and he would, of course, oppose her being compelled to testify on that very basis. But we served him as well with that motion. He won't contest that. I spoke to him this morning. And whatever the Court's ruling is with respect to that, then that's the Court's 7335

ruling.
THE COURT: Is he here right now?
MR. NICOLA: He is not.
MR. SNEDDON: He's upstairs.
MR. NICOLA: Shall I bring him down?
THE COURT: I think he should be here if
we're discussing his client.
MR. NICOLA: Certainly.
It will be just a moment, Your Honor.
Your Honor, do you wish the witness to be in
here as well?
THE COURT: Yes.
MR. NICOLA: Your Honor, they are present.
THE COURT: All right. Just a second.
All right. On the testimony on Cindy
Montgomery, is counsel for Miss Montgomery present?
MR. MOORE: Yes, I am, Your Honor. Bob
Moore. Good morning.
THE COURT: Mr. Moore, the issue that I had
talked to the District Attorney about before I
realized you weren't in the courtroom was what the
U.S. Attorney's position was on your client's use
immunity through the state court.
MR. MOORE: I don't believe he's taken a
position.
THE COURT: What's your position, then?
MR. MOORE: My position is if she testifies
here, she's exposing herself to prosecution. I'm 7336

not saying a crime was committed or that she was involved in it, but she might say something that's incriminating.
THE COURT: Is there any protection under the federal court system once a use immunity is granted here?
MR. MOORE: The People have cited a couple of cases, which perhaps support that. However, I'm concerned about the language in the code, 1324. It says, and I quote, "The Court shall order the question answered or the evidence produced unless it finds that to do so would clearly -- would be clearly contrary to public interest or could subject the witness to a criminal prosecution in another jurisdiction." And I think that language is meaningful.
We have the federal jurisdiction. If a crime occurred, it may have occurred in Los Angeles County. It may have also occurred in Riverside County and in Las Vegas. And those are additional jurisdictions which have not been addressed.
THE COURT: Isn't the use immunity provision clear in terms of prosecution under California law? I mean, we're really one jurisdiction under California law. It's the federal jurisdiction that I would -- that I'm concerned about.
MR. MOORE: And so am I.
THE COURT: There's no federal statute 7337

similar to the California statute that covers this?
MR. MOORE: 1324, do you mean?
I'm not sure, Your Honor.
THE COURT: Have you yourself discussed it
with the U.S. Attorney's Office?
MR. MOORE: Yes, I spoke with him on Friday.
And he took no position, which leads me to believe
that there could be a prosecution down the road.
THE COURT: All right. Thank you.
MR. MOORE: Thank you, Your Honor.
MR. NICOLA: May I address the Court on that
legal issue, Your Honor?
THE COURT: Yes.
MR. NICOLA: May I borrow your brief?
MR. MOORE: Sure.
MR. NICOLA: Your Honor, I also left my --
the papers I filed on Friday upstairs. And Mr.
Moore has allowed to let me use the one I faxed to
him Friday.
Your Honor, we believe our authorities are
directly on point with respect to this issue. The
Supreme Court ruled quite some time ago that the
Fifth Amendment privilege is of Constitutional
significance, obviously. And immunity from
prosecution for a witness who's compelled to testify
under a grant of use immunity or derivative immunity
or even transactional immunity transcends between
the state courts and the federal courts. The case 7338

1 is absolutely clear about that issue. And when --
2 when the Supreme Court looked at the federal
3 statutes, they analyzed them within the context of
4 one jurisdiction granting use immunity to a witness
5 who may further be subject to prosecution or an
6 investigation in federal court. It was very
7 specific to that. And congress has passed other
8 statutes which are not inconsistent with California
9 law.
10 With respect to the California courts,
11 they've been following the Supreme Court line of
12 cases now for quite some time. The case in
13 particular was Nelson, and the fact pattern in
14 Nelson is fairly identical to the one that we've --
15 we have confronting us in here; a witness believes
16 that part of their activity with respect to what
17 they may testify to could subject them to some kind
18 of prosecution federally. And the Nelson court
19 ruled that because of the Waterfront case,
20 Murphy v. Waterfront, the issue has been well
21 settled. The same kind of fact pattern, a witness
22 in state court testifying to something they're
23 worried about in federal court. And the Nelson
24 court upheld the contempt order for those witnesses
25 refusing to testify.
26 So we believe that we're on pretty firm
27 ground here. And we'd request that the Court sign
28 that use immunity order. 7339

MR. MOORE: May I respond briefly, Your Honor?
THE COURT: Yes.
MR. MOORE: As I mentioned earlier, to the extent that if the crime occurred, it may have also occurred in the State of Nevada, which is a separate jurisdiction. And the code -- the language in the code says if you believe that the prospective witness could be exposed to prosecution in a different jurisdiction, that's a different jurisdiction. Federal court is a different jurisdiction. The People have cited cases that seem to indicate -- and they're somewhat old, but indicate that that immunity would be respected by the federal court. They cited nothing to say that the State of Nevada, if a crime occurred there, is bound by the immunity you might give her today. Thank you, Your Honor.
THE COURT: Do you want to address the Nevada issue, Counsel?
MR. NICOLA: May I, Judge? The United States Supreme Court authority is binding on every court in the country, whether it's in Nevada, Alaska or California. The Waterfront holding is good law and has been for, I believe, nearly 40 years. And part of the reasoning, the broad reasoning that the Supreme Court gave it back three or four decades ago - I forget the exact date 7340

of the publication of that opinion - was that to require every jurisdiction within the umbrella of the United States jurisprudence to grant use immunity before any prosecutorial agency could use the testimony of that witness in their case is unduly burdensome on government in its most legitimate function, which is the prevention of crime and justice.

So given that being the state of Supreme Court law in this country, we believe that Mr. Moore, if charges were filed against his client, based on anything she may say from this witness stand under compelled testimony by the Court, he should have no problem whatsoever avoiding that evidence from being used against her, if, in fact, it does incriminate her for something. That's all speculation, but we understand the statute invites a small amount of speculation with the Court.

We believe that your grant of use immunity compelling her to testify will preclude any jurisdiction, including Nevada, although I can't cite a case aside from the Supreme Court case that we cited previously, from using that testimony or any derivative evidence from that against her.

THE COURT: There's one area of the law that concerns me if I compel her to testify, and she testifies, and the law is that that testimony cannot be used against her, which I think that is what the 7341

law is.
What is the law in regards to impeachment in the federal court? If she testifies and testifies contradictory in a federal proceeding, is the testimony that was compelled here admissible for impeachment in substantive purposes against her?
MR. NICOLA: Your Honor, my understanding of federal law is unless it's a voluntary statement, she can't be impeached in a federal court. It cannot be used against her in the federal court.
THE COURT: They can't hear you in the back.
MR. NICOLA: I'm sorry, Your Honor. I thought I was speaking up.
The use immunity -- the use immunity law essentially and intellectually merges all the courts. The Supreme Court fails to see the distinction between any jurisdiction. So essentially a grant of use immunity makes that -- that statement or any use of it, even impeachment purposes or getting a search warrant based on the statement that was given in court, completely untouchable. It cannot be used, period. It's not a voluntary statement. It's a compelled statement. And it's protected under the U.S. Constitution according to Waterford (sic). It cannot used against Miss Montgomery in any fashion, by anyone.
THE COURT: All right. Anything you want to add, Counsel? 7342

MR. MOORE: I'm not sure that's an accurate statement. If she were to say something inconsistent, it could be used. It's my opinion. Perhaps I'm wrong, Your Honor.
THE COURT: What do you base your opinion on?
MR. MOORE: Well, I'm kind of shooting from the hip right now. It's a question I didn't expect. So I apologize.
THE COURT: That's called lack of authority.
MR. MOORE: Perhaps. No authority I can think of at the moment, though.
And with respect to counsel's statement earlier about the federal case law he cited governing all the states, what the case says, in Daly I think it was, it says that the testimony given in state -- compelled testimony given in state court cannot be used in a federal prosecution. That's what it says. Doesn't say it can't be used in a federal prosecution or in any other jurisdiction.
THE COURT: All right. Thank you.
MR. MOORE: Thank you.
THE COURT: Let's take up the motion to present testimony of Alexander Montague.
MR. MOORE: Just before I leave, Mr. Sanger has been kind enough to give me a case, Harris v. New York, that says that impeachment can be used. 7343

THE COURT: Do you have a citation on that?
MR. MOORE: No. U.S. Supreme Court. I'm sorry.
THE COURT: That's the old Harris case.
(Laughter.)
MR. MOORE: Yes, Your Honor, the old Harris case.
THE COURT: Yes.
MR. MOORE: We all know it well.
THE COURT: Maybe you'd like to run out - we have a law library here - find it, and come back. I'll withhold any ruling until you find that.
MR. MOORE: I will do my best.
MR. ZONEN: Your Honor, the motion is a motion by the People to present the testimony of Alexander Manchester. We've outlined in the brief what it is we expect that Mr. Manchester will be testifying to. The relevance deals with three specific aspects of his testimony.
First, he'll be testifying as to dozens and dozens of telephone calls that were made by the defendant to his child, this was back in, I believe, 1998 or 1999, I don't recall which, at the earliest stages of his becoming acquainted with this child. Telephone calls that were made all hours of the day, all hours of the night.
And that testimony is entirely consistent with the testimony of both Gavin Arvizo, his mother, 7344

about the telephone calls received by Gavin, as well as the testimony of June Chandler in terms of the level of obsessiveness with which the defendant pursued a relationship with her child, Jordan Chandler, back in 1993. In that regard, the testimony of Mr. Manchester is entirely corroborative of those three witnesses.
Secondly, he was prepared to testify to a visit that he had with Mr. Jackson at Neverland Ranch where he was in the theater and lost track of his child and Mr. Jackson, for an hour and a half he spent looking for his child, and eventually found the child up in Mr. Jackson's bedroom under circumstances outlined in the brief.
That, plus his statements to Mr. Jackson thereafter complaining about that particular event resulting in Mr. Manchester being threatened, physically threatened, physically confronted by a couple of Mr. Jackson's security people. And the notifying Mr. Jackson of that particular event certainly places Mr. Jackson on notice of the fact that staff at Neverland have been and continue to be vigilant in their protection of Mr. Jackson to the extent of using violence and threatening violence.
Specifically, Mr. Manchester was threatened that harm could come to him and his family from fans in a manner that is entirely consistent with the threats that were given to Janet Arvizo. 7345

We believe that those three specific areas of testimony are relevant for purposes of corroboration and are not so uniquely remote in time from the events that took place in this case, and are right on point in terms of the types of testimony given by a number of witnesses in this case.
Submit it.
MR. SANGER: We filed a brief response to this, but -- and I think we really covered it. I mean, the fact of the matter is that this is offered as 1101(b) evidence, not as 1108. It obviously could not come in under the Court's prior rulings on 1108. It is a big stretch on all of those points to say that this is conduct that would qualify under 1101(b). It is extremely remote in time. This is a witness who has been, in essence, clamoring to be a part of this case. And there are people like that, and they should be viewed with some distrust. This man's child was interviewed and consistently denied that anything inappropriate had happened. There's no evidence that anything inappropriate had happened. And yet we have this man, who is a self-proclaimed, perhaps actually is some sort of royalty down the line, who just insists he wants to be a part of this case. And I don't think this qualifies under any stretch of the imagination. It's way too remote in time. Despite 7346

Mr. Zonen's rhetorical efforts to make it similar, it isn't similar. The fact that some security guard did something in 19 -- in the 1990s, and Mr. Jackson may or may not have been aware of it, doesn't mean that it can be used against Mr. Jackson in this case.

And it really comes down, in essence, to one thing. And I was almost just going to submit it without saying anything, but I want to --

THE COURT: But you just couldn't do that.

MR. SANGER: I couldn't do that. Now I'm trying to justify it.

THE COURT: I knew you couldn't do that.

MR. SANGER: Some of these last-minute motions share something in common, and that is sort of a desperation to come in and dirty up the case and make Mr. Jackson look bad as opposed to really bear on something that is actually relevant to this case.

The Court has now heard the testimony of Janet Arvizo and some of the other testimony that makes the story of the complaining witnesses in this case highly improbable, to say the least. And it just isn't right to allow the government to come in at the last minute and try to pull in strings on things that are not relevant and are not proper 1101(b) or 1108 evidence.

So I'll submit it on that, Your Honor. 7347

MR. ZONEN: Mr. Manchester -- it's our desire that Mr. Manchester be a witness in this case. It's hardly Mr. Manchester's desire. He'd be happy to be left well enough alone. He has been on our witness list from day one. He was subject to an interview at the earliest stages of this investigation. And we're talking about within weeks after the execution of the search warrant at Neverland. This information has been turned over to the defense. It's been well over a year, probably closer to a year and a half, that they've had this information, or longer. We certainly indicated that we intended on calling him from the very earliest stages, if not just the investigation, but certainly the trial as well, and he was on our witness list from day one.

Now, this motion is being filed at this stage because it is corroborative of the testimony of other witnesses, and it was appropriate to wait and see how they testified before doing this, but nothing comes as a surprise. These materials and reports were turned over to the defense early on. And it is corroborative of all of them. It is -- does come in as well under 1101, but also it is, under California's constitution, that all relevant evidence is admissible, and this is clearly relevant evidence. It's corroborative of each of the three different witnesses. 7348

Submit it.
THE COURT: All right. The Court's going to deny the motion to introduce Alexander Manchester's testimony. It doesn't comply with my previous ruling that there had to be some connection of evidence of grooming activities with actual molestation, and there's no consistency in the other parts of it that would lead the Court to admit it under 1101. So that motion is denied.
The motion that -- on the admissibility of Gavin's statement to Chris Carter, that's no longer an issue, is it?
MR. SNEDDON: You ruled on that already, Your Honor. You ruled that it was admissible, but it's no longer an issue.
THE COURT: I think I said I intended to admit it at the end of the court day, didn't I?
MR. SNEDDON: Yes, Your Honor.
THE COURT: But I didn't want to rule out a statement from someone, or an argument if someone wanted to make it.
MR. SANGER: Chris Carter --
MR. SNEDDON: It's not necessary, Your Honor.
THE COURT: It's not necessary.
MR. SNEDDON: It's not at this point.
THE COURT: I just wanted to be sure. Okay. And the issue on the admissibility of 7349

the defendant's adult books from 1993 seizure, have you responded to that?
MR. SANGER: Yes, sir, we filed something on Friday on that.
THE COURT: Do you wish to add anything more to that? Either side?
MR. ZONEN: I'm sorry, was the Court addressing the prosecution?
THE COURT: Yes.
MR. ZONEN: Only to the extent of saying that it is our recollection that the Court had indicated that the Court would reconsider the issue with regards to the .93 seizure subject to resolution of the 1108 motion. That, of course, has been resolved. These books were seized -- we are only asking to introduce two books of all the items that were seized during that period of time.
THE COURT: Where are those books?
MR. ZONEN: We have them here in Santa Maria. We could have them before the Court within an hour, if the Court would like to see them.
THE COURT: I'd like to see them.
MR. ZONEN: All right. We'll make arrangements to get them over here to you.
MR. SANGER: And, Your Honor, your comments suggest that you don't have the opposition in front of you. Could I give you --
THE COURT: I don't have it in front of me. 7350

Thanks.
MR. SANGER: Let me just give you a copy.
THE COURT: I'm going to reserve ruling on that until I see the books.
The testimony of Debbie Rowe. Do you wish to be heard on that?
MR. ZONEN: Your Honor, very briefly.
The facts are outlined in the People's brief on that matter, but Miss Rowe had -- virtually at the same time that Miss Arvizo was submitting to a tape-recorded interview or videotaped interview for purposes of rehabilitating the damages to the defendant caused by the Bashir documentary, Miss Rowe was doing exactly the same thing. It was also a highly scripted interview that was being conducted. And there was the virtual identical incentive for her to do so, participate in the interview. And not just participate in the interview, but participate in the interview with enthusiasm was the suggestion in statement that she would be allowed to have visitation with her children. Something she did not have at that time. That was, in part, of course, an incentive for her to participate in that interview.
We believe that the fact that they used the same types of scripted questioning for purposes of conducting this interview, that her performance was the same level of over-the-top type of performance 7351

that we saw from Miss Arvizo, and the fact that the children were used as pawns to create that level of incentive is relevant in this case.
Submit it.
THE COURT: What about the fact that the defense raises that the Maury Povich footage has not been seen by the jury?
MR. ZONEN: Well, nor -- the Maury Povich tape is not relevant in this proceeding as having anything to do with her interview, except to the extent that segments of her interview are in it.
We're not planning on playing the Maury Povich interview. If we wish --
THE COURT: How does the jury understand the context of what you're presenting?
MR. ZONEN: Well, they have the -- we have the interview of Debbie Rowe separate. The entire interview was about three hours long. We haven't decided if we intend on playing all of it, any of it or none of it.
THE COURT: The interview by --
MR. ZONEN: The Ian Drew interview of Debbie Rowe, which was done at the same time. Marc Schaffel was present, Rudy Provencio was present. A number of the people who were involved in the interview with the Arvizo family were involved in this interview as well. And a number of them were present at that time, and there was discussions 7352

about what to do and how to do it. Many of them are witnesses to those events as well, including Debbie Rowe's attorney, Iris Finsilven.
But it's not necessary to play the Maury Povich film in that most of it has nothing to do with the Debbie Rowe interview. It's simply other information about Michael Jackson, his history, his life, his performances, his music, other people in his life, his father and allegations of abuse, things like that.
But there is a separate video of the entirety of the Debbie Rowe interview. Only segments of it were actually shown on the Maury Povich film. But we have the entire thing on video and are able to play the entire thing if it's appropriate to do so, if it's requested by either side, if the Court feels its appropriate. Or we could do it in segments, or we could do none of it and just have testimony about it. The interview is about three hours and two minutes, I believe, in its entirety.
THE COURT: Counsel?
MR. SANGER: This, once again, is reaching. First of all, Debbie Rowe gave up her parental rights, which is a totally different situation than we have here. There's an ongoing family law matter that persists, even as we speak today, in Los Angeles over this, over the relationship and her 7353

attempt to get some -- possibly some visitation or some other benefit from that.

However, we keep hearing "scripted performances," and there are no scripts. The only thing that has ever come up in this case, and will be clearly shown, if it isn't already, by the time we get through, is that there were questions that were written out in advance. And anybody that does any kind of an interview for television is going to script out questions in advance, just as lawyers script out questions or question areas before they get up and ask witnesses on the stand, so interviewers script out their questions. There's nothing untoward about that.

There was no scripted response to anything, despite Janet Arvizo's preposterous testimony on that. Everybody else will testify consistently with common sense that there was no script of answers. So it doesn't show a darned thing in that regard.

And as we pointed out, and the Court's already commented, the Maury Povich show is not in evidence. I don't think there's any way we can get it into evidence. We don't intend to offer it. And as a result, unless Debbie Rowe testifies, of course, so how is her performance on that tape relevant, as much as the prosecution would like to make it relevant. And I'm hearing they'd like to play parts of her tape, which just creates, under 7354

352, if we even get to that point, if there is any probative value to this, it's far exceeded by the consumption of time, the confusion of the jury and the prejudicial effect. Because if they bring that in and they play even part of the Debbie Rowe tape, we'll play the three hours. There's no question that Debbie Rowe was spontaneous in her remarks, and it goes on and on. I think the Court saw the Maury Povich part of it, where she even answers at one point, "Look," and she uses some term that would not ordinarily be appropriate on television, kind of laughs about it, and says, "I just want to get to the point. Here's what it's all about." That is her demeanor on the rest of that tape. She is giving an interview based on how she felt at the time.

However, if the Court allows the prosecution to get into this, besides playing the three-hour tape or a large portion of it - not as a threat, but because it will show the context of her answering questions in a very spontaneous fashion - we will have to get into this whole business with Ian Drew, and his fight with Marc Schaffel, and Marc Schaffel's fight with Ian Drew, and all these -- the -- all that surrounded this.

Debbie Rowe's on tape. In fact -- and she surreptitiously tape-recorded conversations that she had with Ian Drew that go on for hours where she is 7355

not upset at Michael Jackson, doesn't say anything bad about Michael Jackson as far as this -- the case is concerned. She says a few callous things, I might point out. But other than that, her focus is she doesn't like Marc Schaffel. And so she's fighting with -- or working with Ian Drew to fight about Marc Schaffel. All of this will come out to show -- it will have to come out because it shows the context in which she would be testifying here. She has been extremely upset with Marc Schaffel for some other reason and has had an agenda that's clear on all of her taped remarks, including the ones she taped of herself talking. It's very clear that she has some agenda with regard to Marc Schaffel that has nothing whatsoever to do with Michael Jackson. She regards him as just being pretty much a victim in Marc Schaffel's machinations.

So if she's going to testify, we're going to have to bring that out. Again, it's not a threat. But I want the Court to understand the context. There really is a tremendous amount of material, tape-recorded material, by Debbie Rowe and by others in the group that the prosecution is trying to present here which indicate that there are -- there are many other agendas on this case.

I don't know if you get to 352 because I just plain don't see the relevance, forgetting about the giant can of worms that it would open. I just 7356

don't see the relevance to these proceedings.
So I'd submit it, Your Honor.
MR. ZONEN: Your Honor, all of these people are interconnected in a number of different levels throughout this case. And the Court has been very good over the last number of months as we've proceeded through this trial in being able to separate what's relevant and what's not relevant and keep everybody on point, and on focus, and I think that we can do that in this case as well.
I mean, the fact is, is that she had a scripted interview that she gave. And part of the incentive for that interview was the suggestion that she would be able to have visitation with her children. Yes, it is true that some years ago, she gave up her parental rights. She had misgivings about doing that, particularly after this Indictment came down. She went back to court and was successful at reversing that decision. So her parental rights have been reinstated since then and now the litigation that they're involved in is compelling visitation with these children. To that extent, the children have been appointed counsel and that counsel has not yet had an opportunity to visit with them, to my understanding.
I don't see that that's an issue that would or necessarily should come into evidence in this particular case, except to the extent that she was 7357

promised visitation with her children if she did this video. That hasn't been given to her and is something she wanted to have. She did want to see those kids.

To that extent, it's one more example of how this group of people used children as a pawn to compel not just participation in these videos for Mr. Jackson's benefit, but an enthusiastic response as well.

Now, there will be obviously some level of questioning as to what's enthusiastic within reason, what's enthusiastic outside of reason. We expect that. But that's part of the give and take of the litigation process. We think that we can control, with fair measure, how far afield we go in terms of relationships between Schaffel and Ian Drew or any of the other people who are involved in this case. And at some point in time, some of these things become too collateral. And the Court has been very good at recognizing that and putting the kibosh on it, and I expect that will happen in this case as well.

I think that I've mentioned in the pleading, and it's worth mentioning again, her participation in this video was at the behest of Mr. Jackson personally. Initially she was contacted by Mr. Konitzer, one of the co-conspirators, but ultimately it was Mr. Jackson who made the initial phone call 7358

and brought her into this.
THE COURT: All right. I think we've argued every issue except the problem with the foundation of documents of Marc Schaffel, the ones seized from his office. On those, it seems to me that we have to sort of do admissibility on a case-by-case basis as the documents come up as opposed to -- some of the offers are made without evidentiary -- I mean, they're just that, they're offers without true evidentiary basis. I find it kind of hard just to go through and make rulings on all of them in advance.
MR. AUCHINCLOSS: Well, our primary foundation will be laid with the officers who seized those documents in Mr. Schaffel's home. And as I mentioned in our brief, I think that authentication will be sufficient when the Court looks at each document and considers where it was found.
As to putting on separate foundations for each document, those foundations are going to be primarily laid in terms of hearsay - certainly secondary evidence is really not an issue here - hearsay and relevance in light of the totality of the circumstances of the case, which the Court has before it. And most of those arguments will be -- will be handled in consideration of the evidence that is presently before the Court as to how they specifically are relevant. 7359

THE COURT: Well, my example would be Exhibit 401, you say Rudy Provencio will verify the signature.
MR. AUCHINCLOSS: Yes.
THE COURT: Those are the kind of items that you say are going to happen.
MR. AUCHINCLOSS: And that's fair.
THE COURT: We don't know if they're going to happen.
MR. AUCHINCLOSS: But there really are only a couple of witnesses left that will testify with any specificity about these documents. Mr. Provencio is one of them. So he's certainly one person who's going to figure in on these foundations.
So if you'd like --
THE COURT: I understand the basic seizure issue that you're raising, but that's not the -- you know, that just says they're seized legally. Now you have to prove the connection to the case.
MR. AUCHINCLOSS: Except for --
THE COURT: It seems to me that you're going to be able to do that, but I'm not going to rule in advance based on your representation that that's going to happen, that they're all admissible. It's like any other evidentiary issue. It's not till I hear the actual foundation and I hear the witness that I make that ruling. 7360

MR. AUCHINCLOSS: Yes. Well, I guess I'm just preparing the Court for the fact that we have basically only -- I mean, the first foundation -- first foundational step is the one which we --
THE COURT: The seizure.
MR. AUCHINCLOSS: -- is the seizure. And we'll go from there and deal with it piecemeal, if that's the Court's desires.
THE COURT: And that allows you to -- unless you want to address something separate from that.
MR. SANGER: Let me just address a little more of a generic concern that I have, because the way we saw this, and given the fact that the Court's of course very familiar with this case by now, but Your Honor has not had a chance to see everything that we've seen. Okay?
So I just want to share with the Court, my belief is that if the prosecution is allowed to start going down this road in front of the jury, that we're going to have a lot of wasted time and we're going to have some potentially prejudicial material get in front of the jury just to have the Court say there's no foundation. We understand that this stuff was by and large seized -- maybe all of it in this segment 400 to 420, was seized by law enforcement, in one form or another.
We're now told that there was a disk of hard copies as opposed to a disk of direct e-mails, but 7361

that was this morning. We'll take a look at that.
But assuming for the moment that it was all seized
from Mr. Schaffel's possessions somewhere, do we go
to the point where we start marking things? We have
somebody like Rudy Provencio giving a lot of
testimony about his alleged connections with Mr.
Schaffel, which would otherwise be irrelevant, only
to find out that -- and I think it's -- it would be
a fairly -- let's take a fairly easy ruling.
There's a Pendaflex file label that -- as I
understand, it's a Pendaflex file label that says
something like, "Fires Burning." How in the world
could that be admissible unless -- it's not
admissible. I mean, it just doesn't make any sense
that that would come in at all. That's hearsay. We
don't know who made the file label. The fact it's
in Mr. Schaffel's possession in an office that he
shared with a number of people, so what? It just
doesn't come in. But are we going to have testimony
about that and spend a lot of time?
For the most part, and I think entirely
really, these exhibits are based on that kind of
speculation. It's stuff found in Mr. Schaffel's
files in an office which the government knows was
shared by a number of people during the relevant
time period. So there's no way to authenticate it.
And Rudy Provencio is apparently the person they're
going to rely on. He's the person that volunteered 7362

to be an informant for the government, and tape-recorded conversations ad nauseam with all sorts of people that meant nothing, turned the tapes over to government. And one little thing they want to call him in here for is really speculation that somehow these documents, which he's not going to say he saw before, are probably legitimate because they came from Mr. Schaffel's stuff.

And I think if the Court has a chance to see that in the big picture, we save a lot of time by resolving it now. If the government had one or two or three things that they thought did not come within that category, then maybe we should hear that and we should focus on those. But I see this is taking quite a bit of time for no apparent reason. That's why we tried to address it up front.

Thank you.

MR. AUCHINCLOSS: Just one final remark.

This case, the conspiracy case, the evidence of the conspiracy deals with words, just as in a drug case, the evidence in a drug case is the drugs. You find the drugs in the home of the individual, those drugs come in as evidence of the crime.

In a conspiracy, we're dealing with communications between the parties, with the knowledge that the individual parties have, the relationships between the parties, the various motives that may be pushing them forward through 7363

this conspiracy, and evidence of the criminal act itself. So that's where these documents come in. And I don't think it's very genuine to say that we don't know whose documents these are. They're Mr. Schaffel's documents, found in his personal files, found with all his other files in his home, in his filing cabinet, in his office, and in his locked closet. So there's no issue as to whose records these are.

And we've gone through the records and taken out the ones that are relevant to this case showing the relationship between the parties, showing the evidence of the conspiracy and the communications, and the criminal acts themselves, the Arvizos, specific involvement with the Arvizos. So that's the nature of the relevance and where we're headed with all this evidence.

THE COURT: The attorney is not back yet on -- that was looking for the Harris case? Does anyone -- I'd like someone to communicate with him and have him come back in.

MR. SANGER: We could ask --

MR. SNEDDON: I'll take that responsibility, Your Honor.

MR. SANGER: We won't fight over that. I was going to offer. But that's all right.

MR. SNEDDON: Mr. Nicola has gone to get him, Your Honor. 7364

MR. MESEREAU: Excuse me, Your Honor.
THE COURT: Yes.
MR. MESEREAU: We have found the citation, Your Honor, if the Court wants it.
THE COURT: Counsel?
MR. MOORE: Yes.
THE COURT: Did you find your case?
MR. MOORE: I did. If the Court would like the citation, it is 401 U.S. 222. Would you like the lawyer's edition?
THE COURT: No, that's fine.
MR. MOORE: Thank you.
THE COURT: What's the --
MR. MOORE: What the case says -- and I apologize, a rather quick read, Your Honor -- but Ms. or Mr. Harris was not properly mirandized, and ultimately the decision is that the nonmirandized statements can't be used to convict, but they can be used to impeach. And I think that's the holding in the case.
THE COURT: Well, that's the underlying case that caused me to --
MR. MOORE: Yes, Your Honor.
THE COURT: -- raise the issue. But does the case go to the issue of immunity or is that just the --
MR. MOORE: It talks about Miranda.
THE COURT: Okay. That's -- all right. 7365

Thank you.
MR. MOORE: Anything further, Your Honor?
THE COURT: No.
MR. MOORE: Thank you.
Does Your Honor want me to remain at counsel table, or --
THE COURT: Just for a moment.
MR. MOORE: Thank you, Your Honor.
THE COURT: All right. The Court is going to grant the People's motion and grant the request for use immunity as to Cynthia Montgomery.
I do not know if I have the original document for signing of the use immunity that you provided but....
Do you have that, Lorna?
THE CLERK: No, I don't. Carrie has it.
MR. NICOLA: I believe Carrie has two copies, Your Honor. We'd request two original copies so that I may serve the United States Attorney in Los Angeles with that, so they're clear on that issue.
THE COURT: Okay.
MR. NICOLA: I believe defense counsel also wanted to delay her testimony. I didn't hear the Court address that issue.
THE COURT: I don't think they did. They wanted to delay --
MR. SANGER: Mr. Moslehi. 7366

THE COURT: -- Mr. Moslehi's testimony.
MR. MESEREAU: Also Miss Montgomery's, Your Honor. I didn't know she was even an issue. I didn't come here today prepared to examine her. If I could have a day --
THE COURT: They can't hear you.
MR. MESEREAU: If I could have just a day, Your Honor, I'd be prepared to do her tomorrow. I just didn't know it was even an issue.
THE COURT: They say they served you last week. They served me. Why didn't you --
MR. MESEREAU: I --
Did you get it?
MR. SANGER: We got it Friday at the end of the day.
MR. MESEREAU: I was not notified of it.
MR. SANGER: I got it Friday at the end of the day. That's all I can say. And --
THE COURT: So what witnesses are you prepared to go forward on?
MR. SNEDDON: We have Mr. Abdool here and ready to testify. He will be the first witness, Your Honor.
THE COURT: How long will that be?
MR. SNEDDON: I'm expecting direct examination to be in the neighborhood of a half hour, 40 minutes at the most.
After that, we intended to call Mr. Moslehi, 7367

and then we intended to call Cynthia Montgomery, and then we intended to put on the officers with regard to the search of the Schaffel residence and the items that they took. And we felt that would take the entire day and probably -- if probably not more than that, frankly, given we knew that the Court was going to have to spend some time on rulings today. But at this point, clearly we have one witness here ready to go, and that's Mr. Abdool. And then the rest is contingent upon what -- the position that the Court takes on the defense request.

I should say we're also ready to go forward to get the officers here on the Schaffel search. And we could do that during the time that Mr. Abdool's on the stand. We were going to put them after the civilian witnesses, but we can get those people here, Your Honor. So -- and we would, obviously, if you told us. So that would -- those are the options available to the Court.

THE COURT: All right. Well, I think I will give the defense time that they have requested on both the witnesses so that they can hear the tape and prepare their examinations.

So I'll have Cynthia Montgomery testify tomorrow -- I mean, I'll put off her testimony one day, and the same with the other witness that you have the tape on.

MR. SNEDDON: Mr. Moslehi, Your Honor? 7368

THE COURT: Mr. Moslehi. I'll put that off until tomorrow to give the defense time to review that.
So we'll go forward with Abdool and then the officers today.
MR. SNEDDON: All right. We'll get those officers in here, and --
MR. MESEREAU: Thank you, Your Honor.
THE COURT: This is our -- Counsel?
MR. MOORE: I was just going to inquire, Your Honor. Ms. Montgomery is up from Los Angeles and flew me up this morning. Can we get some sort of a time indication as to tomorrow? Would it be first off?
THE COURT: What would be most convenient for you - since I'm putting it over till tomorrow - to be first or later?
MS. MONTGOMERY: First thing tomorrow.
MR. MOORE: Most convenient would be to do it today, Your Honor. But not having that as a choice, first up tomorrow would be --
THE COURT: Can you accommodate him there?
MR. SNEDDON: I would say that's okay. We haven't checked with the other civilian witness, but we can do that.
THE COURT: Well, if you can't, let him know.
MR. SNEDDON: I will. I will check at the break. But as of right now, let's just assume that 7369

that is correct. We'll put her on first and
Mr. Moslehi second. Okay?
THE COURT: All right. This is the normal
time for our break. We'll take our break, and then
we'll expect to have the jury in at....
(Recess taken.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 7328 through 7370 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 25, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, April 25, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, APRIL 25, 2005

8:30 A.M.

(PAGES 7372 THROUGH 7520)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 7372

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1 I N D E X
2
3 Note: Mr. Sneddon is listed as ?SN? on index.
4 Mr. Zonen is listed as ?Z? on index. Mr. Auchincloss is listed as ?A? on index.
5 Mr. Mesereau is listed as ?M? on index. Ms. Yu is listed as ?Y? on index.
6 Mr. Sanger is listed as ?SA? on index. Mr. Oxman is listed as ?O? on index.
7
8
9 PLAINTIFF'S WITNESSES DIRECT CROSS REDIRECT RECROSS
10
11 ABDOOL, Kassim 7379-SN 7413-M 7461-SN 7465-M
12 KLAPAKIS, Jeff 7467-A 7472-SA (Re-called)
13 BONNER, Craig 7476-A 7493-SA 7505-A 7510-SA
14 (Re-called) 7512-A
15 (Further)
16 ALVAREZ, Victor 7513-A
17 (Re-called)
18
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28 7374

1 E X H I B I T S
2 FOR IN
PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3
4 400 Marc Schaffel files 7468
5 401 Marc Schaffel's Rudy Provencio file 7468
6 402 Marc Schaffel's payroll
7 records file 7468
8 403 Marc Schaffel's fire brewing file 7468
9 404 Mark Schaffel's Stuart
10 Backerman file 7468
11 405 Marc Schaffel's files 7468
12 406 Marc Schaffel's Fox contract 7468
13 407 Marc Schaffel's Ronald file 7468
14 408 Marc Schaffel's file 7468
15 409 Marc Schaffel's Christian Robinson file 7468
16 410 Marc Schaffel's address book
17 file 7468
18 411 Marc Schaffel's Enterprise rental file 7468
19 412 Marc Schaffel's artist
20 releases file 7468
21 413 Marc Schaffel's model releases file 7468
22 414 Marc Schaffel's expenses
23 file 7468
24 415 Marc Schaffel's files, black notebook 7468
25 416 Marc Schaffel's file
26 (provided by Schaffel's attorney Chris Cheney)
27 417 Marc Schaffel's David LeGrand
28 file 7468 7375

E X H I B I T S
FOR IN
PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
418 Marc Schaffel's file 7468
419 Marc Schaffel's files,
blank folder 7468
420 Marc Schaffel's file 7468
420-A Complete copy of Plaintiff's Exhibit No. 420, including
missing pages 7509
421 Ten-page document; Armstrong Hirsch, et cetera,
fax with attached agreement 7491
422 Letter of intent from
Royalty Advanced Funding 7491
423 Seven-page document; 7492 e-mail and various
correspondence
843 Envelope containing photographs of grand
jury exhibits 7478 7480

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good morning.
THE JURY: (In unison) Good morning.
THE COURT: (To the jury) Sorry to keep you all waiting back there, but we just had a lot of legal issues to take up this morning, and because of that, I'm not sure, but the day may be somewhat shortened.
Do you expect us to go the entire day today, or --
MR. SNEDDON: I would think -- I would think that would be probably not the case. But you never know.
THE COURT: Okay. That's what I thought.
You never know.
MR. SNEDDON: I'd hate to raise somebody's expectations and then have them looking at me at 2:15 saying, "Why are we still here?"
THE COURT: I understand.
(To the jury) Some of the witnesses that were going to testify today I put off until tomorrow, is basically what we're dealing with. And so they're calling some witnesses that were going to appear later in the day, and we're not exactly sure how much time it will take. 7377

MR. SNEDDON: I will say this, Your Honor. I think we're going to have a full week, though, from here on out.
THE COURT: Full week?
MR. SNEDDON: Yes, sir.
THE COURT: All right. Let me just -- so that -- before you start, let me just give you a ruling on the motion on -- I'll call it the motion regarding Rowe. That motion is granted. I will admit testimony in that case. I will look for ways to restrict the length of that testimony. We'll talk about that later.
MR. SNEDDON: All right. That would be fine, Your Honor. Thank you.
THE COURT: All right. You may call your next witness.
MR. SNEDDON: Kassim Abdool. Mr. Abdool, would you come forward, please.
THE COURT: When you get to the witness stand, please remain standing. Face the clerk here and raise your right hand.

KASSIM ABDOOL
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and 7378

spell your first and last name.
THE WITNESS: My name is Kassim Abdool.
K-a-s-s-i-m; A-b-d-o-o-l.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Mr. Abdool, I think you're going to have to scoot up as close as you possibly can to the microphone so everybody can hear you.
A. That okay.
Q. Sounds a little better. You have a very soft voice, so try to keep it up. Thank you.
Mr. Abdool, you live in Lompoc; is that correct?
A. Yes, sir.
Q. And you're employed with the school district?
A. Yes, sir.
Q. And did you at one time used to work at Neverland Valley Ranch?
A. Yes, sir.
Q. And from what period of time did you work at Neverland Valley Ranch?
A. .91, .92, .93.
Q. Do you recall when in .91 you came to work there?
A. No. It may be about the middle of the year. 7379

I'm just guessing.
Q. And do you recall when in 1993 or .94 was it that you left?
A. It was part of .94. In the middle of .94.
Q. When you worked at Neverland Valley Ranch, what were your -- what was your position there?
A. When I left or when I --
Q. No, during the time that you were employed at Neverland Valley Ranch, what was your position at the ranch? What were your job responsibilities?
A. To secure the ranch, to provide security for Mr. Jackson.
Q. So you were part of his security team?
A. Yes, sir.
Q. Did you have a rank at that point in time?
A. I started off as a basic security guard and I went up to the head of security.
Q. What were the range of responsibilities that you had at the ranch during the time, let's say -- let's narrow it down now to 1993 and 1994, okay?
A. Okay.
Q. Were you the head of security at that point in time?
A. Just part of .93, I think. Maybe a few months.
Q. What were your responsibilities during .93 and .94?
A. To supervise, make sure the buildings are 7380

locked. Make sure whatever Mr. Jackson wants, to provide for him. Provide security for the guests. Sometimes they may need luggages to their units. We'd help with that. Make sure no intruders come on property. Those type of things.
Q. Now, what was the time -- during .93 and .94, what were the hours that you worked?
A. I think during most of my employment at the ranch, I worked the graveyard shift. Almost for all those years.
Q. And "graveyard shift" means -- what time do you come on and what time do you leave, generally?
A. Generally from about 10 p.m. to 6 a.m. I work most of the time that shift.
Q. Now, during the time that you worked at Neverland Valley Ranch, did you become acquainted with an individual by the name of Ralph Chacon?
A. Yes.
Q. In what capacity? How did you get to know Mr. Chacon?
A. He was also a security officer at the ranch. And he worked on the shift I worked on also.
Q. Did you know Mr. Chacon prior to the time that you came to work at Neverland Valley Ranch?
A. No, sir.
Q. And since the time that you left the employment of Neverland -- well, let me save that question for later, okay? 7381

Was Mr. Chacon, to your knowledge, employed at the ranch during the same period of time that you were employed there?
A. Yes. I think he started working at the ranch maybe a couple of months after I started in .91.
Q. And was he working there during .93 and .94?
A. Yes, sir.
Q. Part of .94?
A. Yes.
Q. During the time that you were employed in security for -- at Neverland Ranch, did you get to know a young child by the name of Jordan?
A. Yes, sir.
Q. Did you know Jordan's last name?
A. Chandler.
Q. And did you see the child Jordan Chandler on the ranch on more than one occasion?
A. Yes, sir.
Q. And can you give us an idea approximately how many times you saw him on the ranch?
A. He was there -- he was there for many times. I can't give a number of times.
Q. During the time that the child Jordan Chandler was on the ranch, was the defendant in this case, Mr. Jackson, on the ranch?
A. Yes, sir.
Q. During the times that Mr. Jackson and the 7382

child Jordan Chandler were on the ranch, were the
Chandler parents present on all occasions?
A. No, sir.
Q. How many occasions do you believe that
Jordan Chandler, to your knowledge, was on the ranch
with Mr. Jackson only?
A. Only?
Q. Yeah.
A. Maybe a couple times, I think. Two, three
times. I'm talking about coming on the ranch with
Mr. Jackson alone.
Q. So arriving with Mr. Jackson --
A. Yes.
Q. -- alone?
A. Yes, sir.
Q. During the time that you were on the ranch,
could you describe -- well, when the child Jordan
Chandler was on the ranch, did you have an
opportunity to see him on a number of occasions?
A. Yes, sir.
Q. Could you describe his general behavior
while he was on the ranch?
A. I don't think he ever spoke to me. He just
kept, you know, a distance. I don't recall ever
speaking to him.
Q. All right. Did you have an opportunity
to -- to observe how he acted on the ranch?
A. Well -- 7383

MR. MESEREAU: Objection; vague.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Did you have -- do you have carts on the ranch?
A. Golf carts?
Q. Golf carts.
A. Yes, sir.
Q. Did you have any problems with Mr. -- the child Chandler and the golf carts?
A. Yes. I remember one problem, yes.
Q. What was that?
A. I think he crashed it once.
Q. Were there any other occasions that you had problems with Mr. Chandler, the child Chandler?
MR. MESEREAU: Objection; asked and answered.
THE WITNESS: No, I don't recall --
THE COURT: Just a moment.
Overruled.
You may answer. Go ahead.
THE WITNESS: What's the question, sir?
MR. SNEDDON: Let me rephrase it.
Q. During the time that you had an opportunity to observe the child Jordan Chandler on the ranch, how would you describe his behavior?
A. Kind of wild. Kind of wild behavior. You know, driving -- driving wild a little bit.
Q. Anything else? 7384

A. He would keep to himself. He would not associate with the security members or talk to them.
Q. During the time that you were employed at Neverland Ranch, did you meet a child by the name of Wade Robeson?
A. Yes, I know him.
Q. And during the time that you were at the ranch, did the child Wade Robeson visit the ranch?
A. Yes, sir.
Q. And when he did, was Mr. Jackson on the ranch?
A. Yes, sir.
Q. And with regard to Mr. -- with regard to the child Wade Robeson, would you describe his behavior?
A. Same type of behavior. You know, driving around wild, but they would not have conversation with us.
Q. With regard to -- do you know a child by the name of Brett Barnes?
A. Yes, sir.
Q. Did the child Brett Barnes visit the ranch while you were there?
A. Yes, sir.
Q. On more than one occasion?
A. Yes, sir.
Q. And was Mr. Jackson there on those occasions?
A. I don't recall all the occasions, but I know 7385

that Mr. Jackson was there when Brett Barnes was there, sir.
Q. Do you recall whether or not Brett Barnes' parents were always present when he was on the ranch with Mr. Jackson?
A. No, I don't recall that, sir.
Q. With regard to your capacity as security for Mr. Jackson at the ranch, were you given instructions with regard to how you were to interact with the children who misbehaved on the ranch?
MR. MESEREAU: Objection; leading.
THE COURT: Just a moment.
Overruled.
You may answer.
THE WITNESS: I don't understand your question.
Q. BY MR. SNEDDON: Were there rules that were given to you as an employee at the ranch in terms of what you were or were not to do when children misbehaved at the ranch?
A. No, I don't recall rules.
Q. Were you given any -- can you tell us whether or not you were given any instructions as to what to do when somebody did something?
MR. MESEREAU: Objection; vague.
Q. BY MR. SNEDDON: Did something wrong.
THE COURT: Rephrase the question.
MR. SNEDDON: All right. I'll start all 7386

over again.
Q. Were there any instructions given to you during the time that you worked at the ranch as to what you were to do to try to control any children who got out of control at the ranch?
A. I don't recall instructions. I don't recall any instructions, sir.
Q. During the time that you were at the ranch, do you recall an incident that involved you and Mr. Chacon with regard to some French doors being left open?
A. Yes, sir.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer -- he did answer, "Yes." Go ahead.
Q. BY MR. SNEDDON: Now, with regard to that particular night - okay? - did you see Mr. Jackson that night?
A. Yes, sir.
Q. Did you work the graveyard shift that night?
A. Yes, sir.
Q. Was Mr. Chacon working with you that night?
A. Yes, sir.
Q. And do you recall approximately when it was you saw Mr. Jackson for the first time on that particular evening?
A. It would have been after 10:00, 10:15 or so. 7387

Q. At some point that night did you see Mr. Jackson go to the Jacuzzi?
A. Yes, sir.
Q. And where is the Jacuzzi located?
A. The Jacuzzi's located outside the house, in the back of the house, near the swimming pool area. There's a barbeque area, and a Jacuzzi and a swimming pool area, and an arcade room on the other side.
Q. And when you saw Mr. Jackson going to the Jacuzzi area, was he alone or was he with somebody?
A. No, he was with the boy.
Q. What boy?
A. Jordie.
Q. And could you see how they were dressed?
A. Yes, sir.
Q. How were they dressed?
A. They were dressed with bathing -- you know, bathing pants. But they were bare back. And they had like bathing trunks. Pants that reached just above the knee.
Q. That went down to the knee?
A. Yeah, like loose-fitting pants.
Q. Do you recall where you were at the time that you saw Mr. Jackson and the child Jordan going towards the Jacuzzi?
A. I was --
Q. Where were you? 7388

A. I was near the office area, somewhere closer to the back of the house.
Q. Now, at some point -- let me ask you this: At the time that you saw Mr. Jackson and the child Jordan walking towards the Jacuzzi, did you know where Ralph Chacon was situated or positioned?
A. I -- I had an idea where he was, but he was more in the barbeque area, I think.
Q. Was that his ordinary assignment?
A. Yeah. Normally they would go in that back area where no one could pretty much see them.
Q. What were the lighting conditions like at this particular point in time at night out around the swimming pool and the Jacuzzi?
A. It -- you know, like around the pool, you have these pool lights. Around the Jacuzzi, you have the Jacuzzi lights, and maybe some small lights in the flowers. I would say it would be like dim lighting.
Q. Now, at some point later, did you hear Mr. Jackson say something to someone?
A. Yes. Mr. Jackson called me.
Q. And did you respond to him?
A. Yes, sir.
Q. As a result of what Mr. Jackson told you, did you do something?
A. Yes, sir.
Q. What did you do? 7389

A. I went to the chef, his name is Bucky Black.
Bucky.
Q. Okay.
A. I went to the chef. He was still on
property that night, and I asked him to get two
sodas for Mr. Jackson.
Q. All right. Did you take the sodas to Mr.
Jackson or --
A. No, I did not take them.
Q. Now, later, when was the next time that you
saw Mr. Jackson?
A. I saw Mr. Jackson going to the bathroom
area.
Q. What bathroom area are you talking about?
A. It's -- it's a bathroom maybe that's kind of
joined -- you know, joined onto the arcade room.
Q. And when he was going to the bathroom area,
was he alone or was he with someone?
A. I recollect he was with Jordie.
Q. And do you recall how they were dressed?
A. No. I don't recall exactly how they were
dressed. My best recollection, they were in bathing
trunks, but to be specific, no.
Q. And did you see them actually go into the
rest room area or were they just walking towards
that area?
A. I recall they were walking towards the rest
room area. 7390

Q. Now, at some point in time, did you see Mr. Jackson again later that evening?
A. Yes, sir.
Q. And where was he when you saw him?
A. He was near the back door of the main house. About -- about maybe five, eight yards or so from the back door.
Q. And was he alone or was he with somebody?
A. He was with Jordie.
Q. And where was Mr. Jackson in relationship to Jordie? Where was Jordan?
A. He was like piggybacking. You know, piggyback, when you put someone on your back.
Q. Who was on whose back?
A. Jordie was on Mr. Jackson's back.
Q. Do you recall what Mr. Jackson was wearing, if anything?
A. He was wearing -- he was bare back and he had a towel around his waist.
Q. And how about the child?
A. The child had like a towel-like robe, you know, like a bathrobe. Like, you know, it's towel material. It was thrown over him, over the child.
Q. And where were they when you first saw them?
A. I'd say five, eight yards from the back door.
Q. Okay. And did you see where they went?
A. They went into the house. 7391

1 Q. And did you see or hear anything at that
2 point in time?
3 A. Yes, sir.
4 Q. What?
5 A. I heard the two locks on the back door, the
6 screen door and the back door lock. You know,
7 clack, when someone close it.
8 Q. Now, was that -- anything unusual about
9 that?
10 A. Yes, sir.
11 Q. What?
12 A. I never recall Mr. Jackson locking the
13 house. We normally go and lock the house. We go
14 and lock the theater, lock the game room when he
15 goes to bed.
16 Q. So that's your responsibility?
17 A. Yes.
18 Q. And you're familiar with how that door
19 locks?
20 A. Yes.
21 Q. And that there's a double -- that there's a
22 double lock there to secure it?
23 A. It's not a double -- from my -- from what I
24 remember, it was two doors, like a screen door and a
25 solid door. And the two doors -- I heard the two
26 doors, you know, lock.
27 Q. So it's not a double door -- double lock on
28 one door. It's two doors that have separate locks, 7392

as you recall?
A. I don't know it had a double lock. I can't remember. But I remember it was two doors. That's my recollection.
Q. All right. And each had a lock?
A. Yeah.
Q. Okay. Now, what I'd like to know is, from the point that you saw Mr. Jackson --
A. Yes, sir.
Q. -- walking towards the bathroom area that's attached to the arcade - okay? - with Jordan, to the time that you saw him later with Jordan on his back, just before he entered the door to the house - okay? - how much time had elapsed, approximately?
A. I would say maybe half an hour or so. Half an hour. That's an average. Could be a little bit more. But I would say half an hour.
Q. Now, after you saw Mr. Jackson and the child enter the house, and the door was -- the doors were locked - okay? - did you have an occasion where you went to the rest room area that you had -- that's attached to the arcade?
A. Yes, sir.
Q. And why did you go there?
A. I was securing the arcade room and the rest room area, locking them up.
Q. And did you actually physically go into the rest room? 7393

A. Yes, sir.
Q. And when you went into the rest room, what did you see?
A. The lights were on, as far as I recollect.
Q. Okay.
A. And it's -- the ground is like -- I don't think it's like concrete. It's like cobblestone, you know, the blue cobblestone.
Q. Okay.
A. That's my recollection.
And the ground was wet, and there were two bathing pants on the ground close to each other.
Q. Now, were these the same trunks that you had seen Mr. Jackson and the child Jordan Chandler wearing?
A. Yes. It seemed to be the same trunks.
Q. And could you explain to the jury, where were the trunks in relationship to each other?
A. The trunks were like maybe about this far apart.
Q. You're indicating about --
A. About three --
Q. -- a foot and a half, three feet?
A. They were this far apart. Two feet apart.
Two, three feet. And they were near to -- closer to the door area when you walk in.
Q. Close to the front door, the entrance door?
A. Yeah. That's what I recollect, yeah. 7394

Q. Did you notice anything with regard to the floor?
A. Yeah, the floor was wet.
Q. Now, I think in the beginning or earlier on in your testimony, you indicated that there was an incident about the French doors being unlocked - okay? - that particular evening where there was some French doors or some big doors that were unlocked?
A. Yeah, there were some doors unlocked in the house.
Q. Was this, again, part of your security routine, to check --
A. Check and secure, yes.
Q. Where are these doors located in terms of, if you were to walk through these doors, what room in the house would you be in?
A. If you walk -- if you were to walk through the ones that were open?
Q. Yes, sir.
A. You would come into a big living room area, and then there's a little corridor, and then Mr. Jackson's bedroom is right there.
Q. And with regard to these particular doors, how -- could you describe them to the jury?
A. They're like -- you know, like tall doors. Not regular - what would I say? - rectangular doors. They were like tall doors, like ten feet tall with an archway. 7395

Q. Okay.
A. Huge doors. And they were -- so they had like bolts, you know, big bolts. I don't recall them having locks, these doors --
Q. Okay.
A. -- like the other doors that I found unlocked. And so you would probably have to climb up and, you know, bolt these heavy copper bolts into the frame, and to bolt the bottom. So each door -- if you have two doors opening like that, each door would have two bolts. One on top, one below.
Q. So you'd have to go inside the house to actually secure the house?
A. Yes, you have to go inside.
Q. And then you have to walk through of the house to get out of the house?
A. You have to walk through the house, yes.
Q. Was Mr. Chacon with you when you observed these to doors to be unlatched?
A. Yes, sir.
Q. And did you give Mr. Chacon some instructions with regard to what you wanted him to do with these doors?
A. Yes, sir.
Q. What was that?
A. I told him that we were going inside to secure the doors. We need to go in and lock them.
Q. And did he do that? 7396

A. No, sir.
Q. Did you ask him on more than one occasion to do it?
A. I think a couple times, from what I remember, yeah.
Q. Did he say why he wouldn't do it?
A. He said he's not going in the house.
Q. Was that unusual for him to disobey an order from you?
A. Yeah. Yes, sir.
Q. Do you recall any other occasion where he ever did that?
A. No.
Q. Now, with regard to the incident that you've just described for the ladies and gentlemen - okay? - the one with Jordan, the child Jordan Chandler, and the Jacuzzi and going into the arcade rest room - okay? --
A. Okay.
Q. -- do you have an idea of approximately when that occurred?
A. That would have been somewhere in the middle of .93 or so.
Q. Was Mr. Jackson, to your knowledge, just returning from some trip?
A. Oh, yeah, he had returned from a trip overseas.
Q. Do you know where? 7397

A. No. He was on a tour, I guess.
Q. Where?
A. He was singing overseas and he came back.
He was over there for a long time.
Q. Okay. Now, on the ranch during the time
1993 - okay? --
A. Okay.
Q. -- was there a thing called a Peter Pan
display?
A. Yes, sir.
Q. And where was the Peter Pan -- I can't even
say it. Where was the Peter Pan display located?
A. It was in the back of the house outside Mr.
Jackson's office. He had an office in the back of
the house.
Q. Okay.
A. You know, a -- how would I describe -- you
have the main house. You have a breezeway.
Q. Okay.
A. You have Mr. Jackson's office there.
And then on the other side, you have the
arcade room, the swimming pool, the Jacuzzi, the
barbeque area.
So the display, I don't recall if it was
inside of the window or outside of the window, you
know, but it was like on a short -- like a -- when
you look in the window, it was like a lighting
display. But it's been so long, I can't recall if 7398

it was inside of -- inside of the office or outside of the office.
Q. Now, on an occasion while you were working at Neverland Valley Ranch, did you see an incident occur involving the defendant Michael Jackson and the child Jordan Chandler?
A. Yes, sir.
Q. And was this incident before or after the incident that you've described or the occasion which you described finding the swimming trunks basically next to each other in the rest room?
A. I don't recall, sir. I don't recall if it was before or after.
Q. All right. Now, on that particular day or on that particular occasion, did you see Mr. Jackson and the child Jordan Chandler together before you saw them at the display?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don't recall.
Q. BY MR. SNEDDON: Where were --
A. Are you talking on this particular evening?
Q. Yes.
A. I don't recall if I saw them before I saw them at that time.
Q. Okay. And so, then, what would have been the first time you saw them? 7399

A. It probably would have been when I came onto the night shift, so I would guess approximately after 10:00. 11:00, 12:00.
Q. All right.
A. It was pretty late in the night.
Q. And when you saw them at the Peter -- did you see them at the Peter Pan display?
A. Yes, sir.
Q. Now, prior to them being at the Peter Pan display, did you see where they came from?
A. Okay. Yes.
Q. Where did they come from?
A. They had come down from the hill area, probably from where the theater was, and they drove down a small hill and drove in the back of the house. The back of the security area there's a garage, and then swung around, and that's where the Peter Pan display is. So they drove in the back of the house.
Q. You say they drove. What were they driving?
A. As far as I remember, it was a small golf cart.
Q. And were they both in the same cart or in different carts?
A. My recollection, they were in the same cart.
Q. Now, at the time that you saw them in front of the Peter Pan display, could you tell us what

you observed?
First of all, let me ask you this: Let's --
where was the child Jordan Chandler in relationship
to Michael Jackson? Where were they positioned?
A. Jordan was standing in front of Mr. Jackson,
and Mr. Jackson was standing behind him. You know,
like if I'm standing here and someone is standing
here, but we are both facing the same direction.
They were looking at the -- at the display.
Q. And what did you observe about Mr. Jackson's
conduct in relationship to the child at that time?
A. When I turned -- you know, I turned to walk
away. I went to ask him a question. When I turned
to walk away, and on the side, I saw Mr. Jackson
giving him a little kiss on the side here, and he
was kind of like hugging him. I just saw that maybe
a couple seconds.
Q. And then you kept going?
A. Yeah, I kept going.
Q. You didn't watch what happened after that?
A. No.
Q. Now, was Mr. Chacon working that night?
A. Yes, sir.
Q. Now, in May of 1994, you were subpoenaed to
appear before the Los Angeles grand jury?
A. Yeah, okay. I think that's the time.
Q. You recall going down to Los Angeles?
A. Yes, sir. 7401

Q. And you recall testifying in front of the grand jury?
A. Yes, sir.
Q. You recall receiving a subpoena before you were to go down there?
A. Yes, sir.
Q. And what was your attitude towards receiving the subpoena to go to the grand jury?
MR. MESEREAU: Objection. Vague; relevance.
MR. SNEDDON: Goes to his bias, Your Honor, his motive for testifying.
THE COURT: Overruled.
You may answer.
THE WITNESS: You want me to answer?
Q. BY MR. SNEDDON: Yes.
A. I didn't want to go.
Q. Now, prior to going down to Los Angeles to testify, did you have a meeting with attorneys who represented Mr. Jackson?
A. Yes, sir.
Q. And who were those attorneys?
A. It was Mr. Steve Cochran, Mr. Jackson's attorney. It was also a private investigator.
Q. And do you recall where that meeting occurred?
A. Yes, sir.
Q. Where was that?
A. Mr. Bob Sanger's office in Santa Barbara. 7402

Q. And at the time that you were at that
meeting, did the attorneys for Mr. Jackson offer you
certain services?
MR. MESEREAU: Objection. Misstates the
evidence. One attorney was mentioned.
MR. SNEDDON: Okay. I'll rephrase it if
that's the problem.
Q. At the time that you met at Mr. Sanger's
office with the private investigator and Mr. Steve
Cochran, did he offer you services?
A. I don't recall. But he gave me some advice.
Q. Well, did you have a lawyer representing you
at that time?
A. No, sir.
Q. Did they offer to represent you?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: He offered to be down with the
grand jury if we needed advice, attorney.
Q. BY MR. SNEDDON: Can you tell us --
A. I think -- I vaguely remember now that -- I
think he remembered -- he offered, you know, to
represent us, represent me.
Q. Do you recall whether or not you were ever
offered any transportation down there?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled. 7403

THE WITNESS: Yes, sir.
Q. BY MR. SNEDDON: Were you?
A. Yes, sir.
Q. Did you ever use Mr. Steve Cochran's
services?
A. No, sir.
Q. Were you asked what you were going to say in
front of the grand jury by Mr. Cochran?
A. Yes, sir.
Q. Did you tell them?
A. I don't recall telling him, sir.
Q. Did you tell them what you were going to do?
A. I told him I was going to say what I know.
I speak the truth.
Q. Now, between the time that you received the
subpoena to appear before the Los Angeles County
Grand Jury and the time that you actually testified
at the Los Angeles -- before the Los Angeles County
Grand Jury, did you receive a raise?
A. Yes, sir.
Q. And how much of a raise did you receive?
A. About a thousand dollars a month more. Or
maybe a little bit more than that.
Q. Was this a proposal that you had made to
them? Had you requested the raise?
A. Yes, sir.
Q. And how long prior to the time that you went
down to Los Angeles to testify had you requested 7404

that raise?
A. A few months. Couple months, maybe. I'm guessing. I -- it was before.
Q. Now, after you testified in front of the Los Angeles County Grand Jury, did you receive any threats?
MR. MESEREAU: Objection. Leading; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, sir.
Q. BY MR. SNEDDON: In what fashion? In what form did you receive threats?
Mr. Abdool, there's some water up there if you'd like some water. Take your time.
A. Yes, sir.
Q. What were the nature -- describe what threats you received.
A. People would call at home and threaten to kill me and my family. A lot of phone calls coming to the house.
Q. Was there always somebody on the other end of the line when you picked the phone up?
MR. MESEREAU: Objection; leading.
THE WITNESS: They would stay on the line sometimes.
THE COURT: Overruled.
You may answer. 7405

THE WITNESS: They would stay on the line sometimes, yes. Just stay on the line.
Q. BY MR. SNEDDON: Did you report these threats to law enforcement at the time that they occurred?
A. Yes, sir.
Q. Mr. Abdool, do you know what the witness protection program is?
A. I know -- I heard about it. I don't know exactly what it entails.
Q. Did you ever request to be -- for you and your family to be put in the witness protection program?
MR. MESEREAU: Objection. Leading; move to strike.
THE COURT: Stricken. It's leading.
Q. BY MR. SNEDDON: At any time did you ever request of law enforcement protection?
MR. MESEREAU: Same objection.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, sir.
Q. BY MR. SNEDDON: And what did you request?
A. I requested to be put in that program, the witness protection program.
Q. Now, with regard to the -- with regard to the Neverland Valley Ranch, was there a change in terms of additional security people who were brought 7406

onto the ranch during the time that Mr. Jackson was under investigation back in 1993?
A. There was not a change. There was addition, some more people came on.
Q. And did you folks on the ranch have a name for those people, or was there a name that was associated with them?
A. Yes, sir.
Q. What was that?
A. The OSS, Office of Special Services.
Q. Were they armed?
A. Yes, sir.
Q. Were you armed?
A. No, sir.
Q. The regular security staff was not?
A. No, sir.
Q. How would you describe the atmosphere at the ranch with these people who are armed on the ranch?
A. It was very tense. I would say in the beginning -- you know, they were big people, and they were armed. And I've seen them drink on property, so you'd be concerned about your security on the ranch.
I also heard them make threats to people on the ranch.
MR. MESEREAU: Objection.
MR. SNEDDON: Well, that was going to be my next question. 7407

MR. MESEREAU: Move to strike.
THE COURT: Stricken. Next question.
Q. BY MR. SNEDDON: Did you at any time ever hear them make threats to people on the ranch?
MR. MESEREAU: Objection. Hearsay; move to strike.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, sir.
Q. BY MR. SNEDDON: And did they do that to you also?
A. Not directly, no.
Q. Okay. Did they do it indirectly or what you thought was indirectly?
A. Yes, sir.
Q. In what fashion?
MR. MESEREAU: Objection.
MR. SNEDDON: Oops. Sorry. I'll wait.
THE COURT: You said, "Objection." I didn't hear your --
MR. MESEREAU: Leading and calls for speculation.
THE COURT: Sustained.
Q. BY MR. SNEDDON: In what fashion?
MR. MESEREAU: Same objection.
THE COURT: That was your last question.
MR. SNEDDON: That --
THE COURT: Really, you have to take the 7408

1 last two questions to understand my ruling that you
2 were leading.
3 MR. SNEDDON: I thought the first one was,
4 but I didn't think the second would be, "In what
5 fashion?" But I'll start over, Judge. That's no
6 problem.
7 Q. You indicated that you thought that you had
8 been intimidated indirectly. Could you describe for
9 the jury in what fashion that occurred?
10 MR. MESEREAU: Objection. Misstates the
11 evidence, leading, and foundation, and calls for
12 speculation.
13 THE COURT: I think what I'm asking you to do
14 is to go back and form a foundation for the question
15 you're asking before you ask in what fashion.
16 MR. SNEDDON: Okay.
17 Q. Were you ever indirectly intimidated on the
18 ranch?
19 MR. MESEREAU: Objection. Leading;
20 foundation.
21 THE COURT: Overruled.
22 You may answer.
23 Q. BY MR. SNEDDON: You may answer. Were you
24 ever indirectly intimidated on the ranch?
25 A. Yes, sir.
26 Q. And do you remember who the person or
27 persons were that were involved?
28 A. Yes, sir. 7409

Q. Who were they?
A. On couple occasions it was one person, and at other times it would be two, three of them, of the OSS officers.
Q. Could you describe in what manner you were indirectly intimidated by these people?
A. Are you saying things that they would say?
Q. You tell us. What was the nature of it?
MR. MESEREAU: Objection. Foundation and hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: I remember one of them, his name was Van Norman. He would say how they would beat people when they were overseas. You know, when they were on tour with Mr. Jackson, how they would beat people, and he knew a hit man in Europe.
And I remember once there was a fan at the front gate and he came down and put his gun and pointed it at her head. She was outside the gate.
And also --
MR. MESEREAU: Objection; narrative.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Was there any other indirect incidents directed directly at you?
A. Yes, sir.
Q. All right. What was that?
A. After I testified at the grand jury, when 7410

I'm sitting in my office, they would just pass outside my office and just stare at me. They would not come in and talk to me. They would just walk past outside the door.
Q. Are there occasions they displayed their firearms to you?
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Let's move on to another subject, if we can.
Were you involved in a civil lawsuit against Mr. Jackson?
A. Yes, sir.
Q. And do you recall approximately when that lawsuit was filed?
A. .95, .96. Something around there.
Q. So this was at least a couple of years after your testimony, or at least one year after your testimony before the Los Angeles County Grand Jury?
A. Yes.
Q. During the course of the time that you were involved in that lawsuit, did you give a statement to the media?
A. Yes, sir.
Q. And describe how that came about.
A. I think it was in the attorney's office.
Q. The attorney?
A. Our attorney's office, yes. 7411

Q. Who's that?
A. Mr. Ring.
Q. Okay. And that's where the interview occurred?
A. Yes, sir.
Q. And was it your idea to have the interview?
A. No, I don't think so. I don't recall that.
Q. Did you understand that as a result of the interview, that someone was going to pay someone some money?
A. Yes, sir.
Q. Did you receive any of the money?
A. No, sir.
Q. Did you understand how that money was going to be used?
A. Yes, sir.
Q. For what purpose?
A. To carry on the civil case.
Q. Against Mr. Jackson?
A. Yes.
Q. And do you know who it was that set up that interview?
A. No, I don't recall.
Q. Now, one last question. Between the time that you received your subpoena to appear before the Los Angeles County Grand Jury - okay? --
A. Okay.
Q. -- and -- let me go back and start over 7412

again, okay?
You received a subpoena to appear before the Los Angeles County Grand Jury, correct?
A. Yes, sir.
Q. Now, between the time that you received that subpoena and the time that you actually appeared before the grand jury to testify, okay?
A. Okay.
Q. We're talking about that time frame.
A. Yes.
Q. Did you have a conversation with Mr. Chacon, Ralph Chacon, about what he saw the night that you found the swimming trunks side by side in the rest room?
A. Yes, sir.
Q. And did he tell you what he saw?
A. Yes, sir.
MR. MESEREAU: Objection; hearsay.
MR. SNEDDON: I haven't asked that yet. I'm sorry, Your Honor.
THE COURT: Overruled.
MR. SNEDDON: Okay. No further questions.
THE COURT: Cross-examine?
MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good morning, Mr. Abdool. 7413

A. Good morning, sir.
Q. My name is Thomas Mesereau. I speak for Mr. Jackson.
A. Okay.
Q. If anything I ask you is unclear, if you don't understand it, please don't answer and just ask me, and I'll try and rephrase it, okay?
A. Okay.
Q. Now, you told the prosecutor that on one occasion you met at Mr. Sanger's office in Santa Barbara, correct?
A. Yes, sir.
Q. And you told the prosecutor that present were Attorney Steve Cochran, correct?
A. Yes, sir.
Q. And an investigator, right?
A. Yes, sir.
Q. And you told the prosecutor that in response to questions asked of you by Mr. Cochran and the investigator, you said you would tell the truth, correct?
A. Yes, sir.
Q. In your discussions with them, you told the truth, correct?
A. I don't recall having discussions with them.
Q. Well, you met at the office, true?
A. Yes, sir.
Q. Approximately how long was the meeting? 7414

A. There were two meetings that day.
Q. Do you know when these meetings took place?
A. A date are you talking about? I don't recall the date.
Q. Okay. Do you recall approximately when those meetings took place?
A. It was just within a week before going to the grand jury.
Q. And do you know approximately when you went to the grand jury?
A. It was a Monday.
Q. Was it in 1993, do you think?
A. .90 -- early .94 maybe.
Q. Would it be approximately May of 1994, do you think?
A. Okay.
Q. And you met with Mr. Cochran and the investigator at some point before you testified before the Los Angeles County Grand Jury in May of 1994, right?
A. Yes, sir.
Q. How many meetings did you have with any representatives of Mr. Jackson before you testified before the Los Angeles County Grand Jury in May of 1994?
A. Two meetings.
Q. Okay.
A. Three. Three meetings. 7415

Q. And you told the truth --
A. Yes.
Q. -- in all of your discussions at those meetings, correct?
A. Yes, sir.
Q. You told the truth about what you had observed at Neverland, right?
A. Yes, sir.
MR. SNEDDON: I'm going to object, Your Honor. Assumes facts not in evidence that he said anything to them.
THE COURT: Sustained.
MR. SNEDDON: Move to strike.
THE COURT: Stricken.
Q. BY MR. MESEREAU: In any of those three meetings, did you utter a word?
MR. SNEDDON: That's vague.
THE COURT: Sustained.
MR. SNEDDON: Object.
Q. BY MR. MESEREAU: In any of those three meetings, did you speak?
A. Yes, sir.
Q. Did you speak about what you had observed at Neverland?
A. I don't recall speaking about what I observed.
Q. Do you recall speaking about Mr. Jackson in those meetings? 7416

A. No.
Q. Do you recall speaking about your employment at Neverland?
A. I don't recall, sir.
Q. Do you recall speaking about your background before you ever worked at Neverland?
A. I don't recall. I may have. I don't recall.
Q. Do you remember signing a statement, Mr. Abdool, in one of those meetings?
A. No, I don't recall that.
Q. Do you recall signing a statement on January 13th, 1994?
A. No, sir.
Q. Would it refresh your recollection if I show you --
A. Sure.
Q. -- a statement?
May I approach, Your Honor?
THE COURT: Yes.
MR. SNEDDON: Can I see it first, Counsel?
Okay. Thank you.
MR. MESEREAU: Your Honor, it's a two-page statement. Could I request that the witness just read it to himself?
THE COURT: Yes.
THE WITNESS: Yeah, okay.
MR. MESEREAU: There's another page, too. 7417

THE WITNESS: Yes.
Q. BY MR. MESEREAU: Mr. Abdool, have you had a chance to look at and read that statement?
A. Yes, sir.
Q. Does it refresh your recollection about what you signed?
A. Yes, sir.
Q. And that is your signature on this statement, correct?
A. Yes, sir. Yes, sir.
Q. In fact, in the beginning of the statement, you corrected the spelling of your last name in your own handwriting, correct?
A. Yes.
Q. You said you'd worked at Neverland Ranch since June of 1991, correct?
A. Okay.
Q. Is that approximately when you started work?
A. Yes, sir.
Q. You said during your employment at the ranch, you worked in the security department and that you were currently working as a shift supervisor, right?
A. Yes.
MR. SNEDDON: Your Honor, I'm going to object to the use of the reading of the statement into the record. It's hearsay and it's not used to refresh his recollection. 7418

THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember signing a statement?
A. Yes, sir.
Q. Do you remember what you said in the statement?
MR. SNEDDON: Well, vague as to -- he stated it's two pages long, so it's --
THE COURT: Do you mean outside of his having just read it now, or what?
MR. MESEREAU: Yes. Well --
THE COURT: You gave it to him to refresh his memory.
MR. MESEREAU: Yes, I did.
Q. Does the statement you read refresh your recollection about the statement you signed?
A. Yes, sir.
Q. Okay. And that is your signature on the statement, correct?
A. Yes, sir.
Q. You told representatives of Mr. Jackson that you'd never seen Mr. Jackson touch any child in a sexual manner or in any way that could be construed as sexual, correct?
A. That's what I wrote, yeah. I signed to that, yes.
Q. You said you'd never seen Mr. Jackson unclothed or in the company of unclothed children, 7419

correct?
A. Yes. I mean, when I say "unclothed," naked.
If you have on pants, that's not unclothed.
Q. But you said you'd never seen Mr. Jackson
unclothed or in the company of an unclothed child,
correct?
A. Yes.
Q. You said you'd seen Mr. Jackson play with
children, right?
A. Yes, sir.
Q. You said he plays as if he's a child
himself, correct?
A. Yes.
MR. SNEDDON: I'm going to object to reading
the document into -- it's hearsay.
THE COURT: Sustained.
MR. MESEREAU: Cross-examination --
impeachment, Your Honor.
THE COURT: Well --
MR. MESEREAU: I believe on
cross-examination --
THE COURT: Some is and some isn't. You're
reading the whole thing, so you're not being very
discerning in your impeachment.
MR. MESEREAU: Well, I'm not going to read
the whole thing.
THE COURT: There was certain questions that
he was asked that you can do that with. You're 7420

reading a lot more into it. You'd have to lay the foundation for each remark.
Q. BY MR. MESEREAU: Okay. Do you remember signing a statement that discussed what you'd seen of Jordie Chandler at Neverland?
A. I remember signing a statement. I believe that statement that I signed was not at Mr. -- when I met with the attorneys. That was a statement that was prepared by the investigator in his handwriting. Yes, I did sign it.
Q. And you also corrected the statement before you signed it, true?
A. My name, I corrected it, yes.
Q. You said you'd never seen Mr. Jackson engage in anything sexual with Jordie Chandler, correct?
A. Yes.
Q. And you said that no one working at the ranch had ever complained about Mr. Jackson doing anything sexual with children, correct?
A. Right. No, that was before I went to the grand jury, before I think, before I met with Mr. -- in Mr. Sanger's office.
Q. The date was January 13th, 1994, right?
A. Right.
Q. Okay.
A. So that was about -- months before I think I went to the grand jury.
Q. You said you were the father of two 7421

children.
A. Yes, sir.
Q. That you had no problem leaving them alone with Mr. Jackson, correct?
MR. SNEDDON: I'm going to object to the question. It's hearsay. It's an improper use of the document.
THE COURT: Sustained.
Q. BY MR. MESEREAU: At any time did you ever tell any representative of Mr. Jackson that you are the father of two children, ages 9 and 13, and you would have no problem leaving them alone with Mr. Jackson?
MR. SNEDDON: Same objection, Your Honor.
THE COURT: Overruled.
THE WITNESS: I probably did. I have no reason to say no.
Q. BY MR. MESEREAU: Would it refresh your recollection if I just show you that portion of it?
A. If it's there, it's there, yeah.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: Right. Okay. Yeah, I signed to that.
Q. BY MR. MESEREAU: You've had a chance to look at that document?
A. Yeah, I've looked at it, sir.
Q. And you did make that statement, that you 7422

were the father of two children, 9 and 13, and they had both visited the ranch, right?
A. I signed it, the statement. It's not my writing. It's -- I didn't write that statement.
Q. But you signed it?
A. Yes.
Q. After correcting it, correct?
A. I corrected my spelling of my name. I didn't sign -- I didn't write that statement, sir. That's not my writing.
Q. Does your signature appear on both pages of that statement?
A. Yes, that's my signature. I signed that document.
Q. Okay. Now, the prosecutor alluded to a lawsuit that you and Ralph Chacon and Adrian McManus and others filed against Michael Jackson, correct?
A. Yes, sir.
Q. In that lawsuit, you also sued the security guards that you called "the OSS," right?
A. Yes, sir.
Q. And one of the security guards you sued was James Van Norman, right?
A. Yes, sir.
Q. He's the fella you just testified to threatening you, correct?
A. Yes.
Q. Okay. And that was the longest civil trial 7423

in the history of this courthouse in Santa Maria, California, right?
A. I don't know.
Q. It was a six-month trial, approximately, was it not?
A. Yes, sir.
Q. And at the conclusion of that trial, Mr. Jackson prevailed, right?
A. Yes, sir.
Q. And you ended up with a judgment against you for $1,473,117.61, correct?
A. I don't know the figure, but that sounds correct.
Q. Would it refresh your recollection if I just show you the judgment?
A. It's fine. I accept it.
Q. All right. And the security guards that you sued also prevailed --
A. Yes.
Q. -- in that lawsuit, correct?
A. Yes, sir.
Q. And it's your understanding that Mr. Jackson won the case, was awarded costs, and was awarded all of his attorney's fees against you, correct?
A. Yes, sir.
Q. All right. Did you ever pay him any of that money?
A. No, sir. 7424

Q. Do you know approximately when you filed
that case?
A. I think maybe .95, 1995. I'm not sure.
Q. Would it refresh your recollection if I just
show you the Complaint? It has a date of December
2nd, 1994. Does that sound correct?
A. Okay.
Q. You sued Mr. Jackson for many different
claims, correct?
A. Yes, sir.
Q. You sued him for emotional distress,
correct? Right?
A. If it says that. I don't recall all the
complaints.
Q. Well, you said you'd been intimidated during
your employment, right?
A. Yes, sir.
Q. And you testified in the case, correct?
A. Yes, sir.
Q. And you testified that you had suffered
emotional distress and various medical problems
because of the way you were treated at Neverland,
true?
A. Yes, sir.
Q. And your attorney was a gentleman named Mr.
Ring, correct?
A. That's correct.
Q. When did you first go to Mr. Ring to talk 7425

about suing Mr. Jackson and the security people of the ranch?
A. It would be after I -- we stopped work at the ranch. That's my recollection.
Q. And approximately when was that?
A. I don't recall, sir.
Q. Do you know the year you left your employment?
A. .94.
Q. Okay. Do you remember being disciplined while you were working at Neverland for stealing Mr. Jackson's gasoline?
A. For stealing Mr. Jackson's gasoline?
Q. Yes.
A. No, first time I -- no.
Q. You were counseled by a security chief named Mr. Wegner, spelled W-e-g-n-e-r, correct?
A. That's his -- yeah, that's the correct spelling.
Q. Do you remember being disciplined because you had filled your car up with Mr. Jackson's gasoline?
A. Mr. Jack -- where would I get his gasoline from to fill my car up? No.
Q. Would it refresh your recollection to show you that disciplinary report?
A. Sure. Yeah.
MR. MESEREAU: May I approach? 7426

THE COURT: Yes.
THE WITNESS: Okay. Yeah.
Q. BY MR. MESEREAU: Have you had a chance to look at that disciplinary report?
A. Yes.
Q. Does it refresh your recollection about that issue?
A. Right. I remember that, yeah.
Q. Okay. A report was filed to that effect, correct?
A. Right. Right.
Q. That you had improperly filled your own vehicle with Mr. Jackson's gasoline.
A. No, not improperly fill my vehicle. I used my vehicle to go to -- I think to Solvang to run an errand, and I -- it was replaced for me, the three gallons of gasoline.
Q. Okay.
A. I remember that, yeah. I did not steal the man's gasoline. And that's why I refused to sign it, because I was having problem with the chief at that time.
Q. You were counseled on the violation, true?
A. Yes. I told you I went -- I used my vehicle and -- and --
Q. You were told a violation would be part of your permanent record of employment at Neverland, true? 7427

A. I don't recall. Probably.
Q. Okay. There are gasoline pumps on the ranch, true?
A. Yes, sir.
Q. Okay. Staff, particularly security staff, are not supposed to be filling their own vehicles with Mr. Jackson's gasoline, correct?
MR. SNEDDON: I'm going to object as argumentative.
THE COURT: Sustained. It's a foundational sustaining.
Q. BY MR. MESEREAU: Did you know the policy on whether or not security staff are supposed to use Mr. Jackson's gasoline for their own personal use?
A. I don't know if there's a policy, but of course you can't use his gasoline for your personal use. And as I said, sir, I did not use it for my personal use.
Q. You're not supposed to fill your tank with it, correct?
A. I didn't fill my tank. I put, what, three gallons of gasoline. I vaguely remember that, yes, that happened.
Q. All right.
A. I'm not denying it.
Q. Were you ever disciplined on any other occasion that you recall?
A. I don't recall. 7428

Q. Okay. Do you know one way or another whether you were disciplined on any other occasion?
A. I don't recall. That one he told me, it even surprised me. I had forgotten about it. It was a nonissue as far as I was concerned.
Q. Now, you claimed in your lawsuit that you had been disabled because of what happened to you at Neverland, true?
A. Disabled -- emotionally disabled, yes.
Q. Yes. And you obtained a number of what are called disability certificates from a physician because of your disability, correct?
A. Yes, sir.
Q. And did you apply for state disability; do you know?
A. What is state disability? I --
Q. Well, there are various ways to file for disability, correct?
A. Well, like unemployment?
Q. Or disability. You claimed that you could not work because of all the emotional problems you had resulting from your work at Neverland, correct?
A. Yes, sir.
MR. SNEDDON: Your Honor, excuse me, I'm going to object that the question is vague as to whether he's talking about -- I don't want to go any further, but it's vague as to what point in time or what document he's referring to. 7429

MR. MESEREAU: I'm not referring to a document, Your Honor.
MR. SNEDDON: Well, then it's vague.
MR. MESEREAU: I'll rephrase.
Q. It was your position when you filed the lawsuit against Mr. Jackson and the security guards that you should get millions of dollars because you had been emotionally disabled, correct?
A. Yes, sir.
Q. You claimed you were so distraught and depressed that you couldn't work, true?
A. Yes, sir.
Q. And you were actually examined by physicians in that regard, true?
A. Yes, sir.
Q. And at one point an insurance company refused to pay you any benefits because they said you weren't disabled, right?
MR. SNEDDON: Your Honor, I'm going to object. It's hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember TIG Insurance concluding that you, Mr. Abdool, are not medically disabled?
MR. SNEDDON: Your Honor, I'm going to object and I'm going to ask the Court to admonish counsel. That's the same question, and he just asked it with a new start to it. 7430

THE COURT: The objection is sustained.
MR. MESEREAU: Okay.
Q. The jury in your civil suit completely rejected your claims that you were emotionally or medically damaged by anything at Neverland, true?
A. Yes, that's correct.
Q. And you never got the millions you were seeking, correct?
A. That's correct, sir.
Q. Do you know approximately when that suit ended?
A. I know it was five, six months. I don't have the date, no.
Q. Now, as head of security at Neverland, you were concerned about media people coming on the property, true?
A. Yes, sir.
Q. And one of your jobs was to try and keep media people away from Mr. Jackson, right?
A. Keep anybody away from -- from the property, any intruders.
Q. But you were particularly concerned about tabloid-type people, correct?
A. I would say generally anyone, any type of intruder.
Q. But weren't you particularly concerned about media attempts to get to Mr. Jackson?
MR. SNEDDON: Object; asked and answered. 7431

THE COURT: Overruled.
You may answer.
THE WITNESS: I -- we were concerned -- I was concerned with any intruder on the property.
Q. BY MR. MESEREAU: Okay. And would that include the media?
A. Yes, sir.
Q. Would that include people who write for tabloids?
A. Yes, sir.
Q. And was it your understanding that Mr. Jackson was very concerned about his privacy when it came to the media?
MR. SNEDDON: Lack of foundation; object.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, sir.
Q. BY MR. MESEREAU: Were you still employed at Neverland when you first spoke to representatives of the media about Mr. Jackson?
A. No, sir.
Q. How long after you left your employment did you talk to representatives of the media about Mr. Jackson?
A. I don't recall, sir.
Q. You talked to somebody named Gary from an organization called Splash, correct?
A. Right. 7432

Q. And it was your understanding that you would be quoted in a tabloid called The Star, right?
A. It wasn't me. It was the attorney's office.
Q. But your understanding was that you were going to be quoted in an article in a tabloid called The Star, right?
A. Okay, yes.
Q. And you were interviewed along with Ralph Chacon, correct?
A. Yes.
Q. You were interviewed with Adrian McManus, correct?
A. Yes, sir.
Q. How many meetings did you have with that tabloid?
A. I think it was just one meeting.
Q. Okay. Do you know what they paid for the interview?
A. No, sir.
Q. Did you ever hear they paid $15,000 for that interview?
A. I probably did. I don't recall that exactly.
Q. And what you chose to do was rather than not put the money in your pocket, you chose to use it to fund your lawsuit against Mr. Jackson where you wanted to get millions, right?
A. Yes, sir. 7433

1 Q. Obviously, it turned out to be a poor
2 investment, right?
3 MR. SNEDDON: Objection, Your Honor.
4 Argumentative.
5 THE COURT: Sustained.
6 Q. BY MR. MESEREAU: Does July 31st, 1994,
7 sound like the approximate time you stopped working
8 at Neverland?
9 A. Yes.
10 Q. Okay. How long after you stopped working do
11 you think you and Chacon and McManus got together
12 and met with the attorney about filing a lawsuit?
13 MR. SNEDDON: Object; assumes facts not in
14 evidence.
15 MR. MESEREAU: I'll rephrase it.
16 Q. Did you and Ralph Chacon and Adrian McManus
17 at some point get together and decide to jointly
18 file a lawsuit against Mr. Jackson?
19 A. I don't recall Adrian McManus. I recall
20 Melanie Bagnall.
21 Q. Do you know who Adrian McManus is?
22 A. Yeah, she -- she probably came on at some
23 time after we spoke. That's my recollection.
24 Q. And all of you sued the private security
25 people that you called □the OSS,□ right?
26 A. Yes, sir.
27 Q. And you all claim that these people had
28 terrorized you and caused damages to you, right? 7434

A. Yes, sir.
Q. And that claim, again, was rejected completely by the jury, right?
A. Yes, sir.
Q. Who were the other people that you claim were causing severe distress to you and Ralph Chacon and the others who joined in your lawsuit?
MR. SNEDDON: Your Honor, I'm going to object to the question as compound with regard to "other people."
THE COURT: I'm not sure what you meant, Counsel.
MR. MESEREAU: I'll rephrase.
Q. You testified earlier that one of the things you were concerned about was private security guards of Mr. Jackson consuming alcohol, correct?
A. One of them I saw drinking alcohol.
Q. One individual?
A. Yes.
Q. Okay. And who was that?
A. Van Norman.
Q. Okay. And you also complained about someone carrying a firearm, correct?
A. I -- I don't recall specifically. I probably did.
Q. Well, you testified that you saw somebody point a firearm at a fan, correct?
A. Yes. Yes. 7435

Q. And who was that?
A. Van Norman. That's my recollection.
Q. Now, you never complained to Mr. Jackson about Mr. Van Norman carrying a firearm, true?
A. No. Never.
Q. And you never complained to Mr. Jackson about Mr. Van Norman drinking alcohol, correct?
A. Never. No.
Q. And you never complained to Mr. Jackson about any of these private security guards threatening anyone, right?
A. That's correct.
Q. And, in fact, you never complained to Mr. Jackson about any of them doing anything wrong at any time, true?
A. True.
Q. Did you, if you remember, sign a confidentiality agreement when you went to work at Neverland?
A. Yes, I think I recall -- I think I did one, yeah.
Q. And was it your belief that as a condition of your working at Neverland, that you were not supposed to take information about Mr. Jackson's life and exploit it in the media?
A. That's correct, sir.
Q. Yet, when you left your employment, that's exactly what you did, correct? 7436

A. Yes, sir.
Q. Did you and Ralph Chacon discuss what tabloid you were going to sell a story to?
A. I don't recall, no.
Q. Did you ever get together with Adrian McManus and discuss what information you and she were going to sell to a tabloid about Mr. Jackson?
A. Oh, I don't think so. I think we just gave an interview and she spoke and I think I probably spoke, too.
Q. Did you learn that any of the information you sold had actually been printed about Mr. Jackson?
A. Yes.
Q. And how did you learn that?
A. I recall -- I think I saw the tabloid. I think I saw it, yeah.
Q. Now, you actually hired a guy named Gary to be an agent to get more tabloid opportunities, correct?
A. Yes, we -- we used him as a broker or something like that.
Q. Yeah, he was a broker to go to various tabloids around the world to see if he could sell stories, correct?
A. Yes, sir.
Q. Now, to your knowledge, did Gary get a commission from whatever he brought in; do you know? 7437

A. No.
Q. But you did this with the approval of your attorney, right?
A. I wouldn't use "approval." But he explained to us that we needed the money. So if you say "approval," yes.
Q. And part of the reason for doing all this was to put pressure on Mr. Jackson to settle that case and give you people money, right?
A. No. I don't think so, no. We needed the money. We had no money to go ahead with the case.
Q. The plan was to do what you could to make Mr. Jackson want to get rid of this case, right?
MR. SNEDDON: Object as asked and answered, Your Honor.
THE COURT: Sustained.
Q. BY MR. MESEREAU: And you actually had your photograph taken by Gary, true?
A. I don't recall. But probably, yeah.
Q. And the purpose of the photograph was to have that photograph appear in tabloids, right?
A. Yes, sir.
Q. Now, did you and the other plaintiffs in that civil case have a nickname that you used for yourselves?
A. No, I don't think so. I don't recall that.
Q. Well, did you ever call yourselves "The Neverland 5" or something like that? 7438

A. No.
Q. Did you ever see an article with a name like that?
A. I've heard that, yeah.
Q. But that's not a nickname you people were using yourselves, correct?
A. No, I didn't give myself that name.
Q. Okay. You also gave interviews about Mr. Jackson in front of this courthouse, true?
MR. SNEDDON: Your Honor, I'm going to object as vague as to when in time.
MR. MESEREAU: I'll rephrase it, Your Honor.
Q. Around the time you were pursuing your civil lawsuit against Mr. Jackson, you had to come to this courthouse from time to time, right?
A. Yes. Yes, sir.
Q. And you did give some interviews to reporters at this courthouse, right?
A. I vaguely remember I think I spoke to reporters outside, yes.
Q. Okay. And do you remember meeting with your broker in a lawyer's conference room in this courthouse?
A. No, I don't recall that.
Q. Do you remember meeting with Gary in a lawyer's conference room here when your photograph was taken?
A. No, I -- I would think that the photograph 7439

was taken in our attorney's office in Santa Barbara.
Q. Okay.
A. It may have. I don't recall, but I would think it was Santa Barbara.
Q. Would it refresh your recollection if I just show you a --
A. No, it's fine.
Q. -- a page of your deposition?
A. It's fine. If I said it, I said it, yeah.
Q. You remember your deposition being taken in that case, true?
A. Yes.
Q. In fact, there are volumes of that deposition, right?
A. What I'm saying is, if it's there, then that's correct, but I couldn't recall.
Q. Now, the plan initially when you hired the broker named Gary was to put together a fund of money to pay costs in the litigation, correct?
A. Yes, sir.
Q. And to your knowledge, that's what your lawyer spent that money on, right?
A. Yes, sir.
Q. Okay. Do you remember what you were interviewed about by the tabloids?
A. No, it's been a long time. I don't recall.
Q. Do you remember being interviewed about Mr. Jackson's relationship with Lisa Marie Presley? 7440

A. Specifically me, I don't recall that, no.
Q. Do you recall being there when Chacon and McManus were talking about that?
A. I don't --
MR. SNEDDON: Object as immaterial, Your Honor.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don't specifically recall exactly what questions and answers were given, no. It's been over 13 years. I don't recall. But, yeah, there was an interview.
Q. BY MR. MESEREAU: Was Gary at the interview?
A. Yes.
Q. Okay. Who else was there, if you remember?
A. I think Melanie Bagnall, Ralph Chacon, myself, Adrian McManus. I'm not sure about Sandy Domz. I'm not sure.
Q. Okay.
A. I don't recall anymore.
Q. And do you remember you were quoted in an article entitled, "Kinky Sex Secrets of Michael and Lisa Marie's Bedroom"?
A. I don't recall being quoted in that article. But if it's there, the article -- it may not be me saying it, but if it's there, if it's quoted there, it's quoted there.
Q. Would it refresh your recollection if I just 7441

show you the title?
MR. SNEDDON: Your Honor, I'm going to object. It's immaterial. He stated he didn't have anything to do with it. Lack of foundation. It's hearsay.
THE COURT: Well, I will let him refresh his recollection with it, but we'll take a break first.
MR. MESEREAU: All right.
(Recess taken.)
THE COURT: Counsel?
MR. MESEREAU: Thank you, Your Honor.
Q. Mr. Abdool, you described for the prosecutor what you say you observed of Mr. Jackson's behavior with Jordie Chandler, right?
A. Yes, sir.
Q. Now, when you saw what you've described, you did not automatically call any police officer, correct?
A. That's correct.
Q. And you were a former police officer yourself, correct?
A. Yes, sir.
Q. You had been a police officer in -- was it Trinidad?
A. Yes, sir.
Q. How long were you a police officer in Trinidad?
A. Three, four years or so. 7442

Q. Okay. And you were trained to use firearms, et cetera, correct?
A. Yes, sir.
Q. And at one point you carried a concealed weapon, right?
A. Yes, sir.
Q. Were you carrying a concealed weapon during the time you worked at Neverland?
A. No, sir.
Q. Approximately when do you recall seeing Mr. Jackson with Jordie Chandler? Can you tell me approximately when you say you saw this?
MR. SNEDDON: Your Honor, I'm going to object as to which occasion. Vague.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Let's take the first occasion you described - okay? - dealing with the Jacuzzi, all right?
A. Uh-huh.
Q. Approximately when do you think you saw that?
A. I can't give an exact date, but I recollect when he came back from overseas. So it would have been probably around the middle of .93 or so.
Q. Okay.
A. I'm just guessing. I --
Q. And you described another incident.
A. Yes. 7443

Q. The prosecutor asked you about the Peter Pan statue, right?
A. Yes.
Q. And approximately when do you think that happened?
A. I don't recall, but it would be in that time frame, you know, maybe after. I don't recall.
Q. Okay. This is sometime in .93, do you think?
A. .92, .93, yes. It's difficult for me to give you a date.
Q. Now, are you familiar with a -- an event at Neverland called Family Day?
A. Yes.
Q. And what is Family Day at Neverland?
A. Family Day is when the employees are invited to bring their family.
Q. And you participated in Family Day with your family, correct?
A. Yes. On maybe two, three occasions, yeah.
Q. You participated on Family Day at Neverland with your family in 1994, didn't you?
A. I don't -- I think it was Appreciation Day. Employee Appreciation Day it was called.
Q. Okay. And you brought your family to Neverland in 1994 to participate in that, correct?
A. Yes. Yes, sir.
Q. This was after the events you claim you saw 7444

that you have just described?
A. Yes, sir.
Q. Do you know someone named Sandy Domz?
A. Yes, sir.
Q. Who is Sandy Domz?
A. Sandy Domz used to work at the ranch administration office.
Q. And did you work with her?
A. I worked on the ranch, but not with her.
Q. Was she working at the ranch while you were working at the ranch?
A. Yes, sir.
Q. Okay. And you and Sandy Domz met with a T.V. show called Inside Edition, did you not?
A. It's possible, yeah.
Q. Do you remember doing that?
A. I know we gave interviews. Maybe television, yes. It's been about 13 years.
Q. I'm sorry?
A. It's difficult to remember.
Q. She was the spokesperson for a group, that included you, that gave various interviews, right?
A. I don't recall, but that's probably correct, yeah. I'm not going to deny that.
Q. And one of them was with the T.V. show Inside Edition, right?
MR. SNEDDON: Your Honor, I'm going to object to the question. It calls for lack of 7445

1 foundation that he was -- that he was involved.
2 MR. MESEREAU: Your Honor, he said he was
3 involved.
4 MR. SNEDDON: Well --
5 THE COURT: Overruled.
6 You may answer. Do you want the last
7 question read back?
8 THE WITNESS: Yes, please.
9 (Record read.)
10 THE WITNESS: What I'm saying is, if that's
11 a fact, yes, I don't deny it. But I don't recall
12 specifically Inside Edition or who. But I'm
13 saying --
14 Q. BY MR. MESEREAU: You recall various T.V.
15 shows, correct?
16 A. T.V. shows or T.V. show, or newspapers or
17 newspaper, I don't -- yes. But I gave interviews or
18 interview, yeah.
19 Q. And you and Sandy Domz split some of that
20 money, right?
21 A. What's the word? ?Sweat??
22 Q. You and Sandy Domz split some of the money
23 that you got from television, did you not?
24 A. No, sir.
25 Q. Did it all go to the attorney fund?
26 A. As far as I know.
27 Q. But Sandy Domz was not -- excuse me. Did
28 Sandy Domz arrange these meetings or did they all go 7446

through Gary, to your knowledge?
A. I don't recall.
Q. Okay. All right. Do you remember meeting for several days with a book author named Gutierrez?
A. I met once with him. Not several. Just once.
Q. It was a long meeting, was it not?
A. Probably, yeah. Two, three hours.
Q. Now, these meetings with various representatives of the media, were they going on during the lawsuit?
A. I don't recall the specific one, but -- I gave interviews during the lawsuit, yes. I don't deny that.
Q. While you were doing this in 1994, you knew that security guards at the Jackson family home in Encino had gotten $100,000 for selling stories, correct?
A. No, I don't recall that.
Q. You never discussed that with your cohorts?
A. No. I may have. I don't recall. I don't recall that one, no.
Q. Okay. You've indicated you never spoke a word with Jordie Chandler, right?
A. Yeah. I mean, I may have said -- you know, he asked for something, but conversation-wise, I don't recall having any conversation with him.
Q. Did you ever see his mother at Neverland? 7447

A. Yes.
Q. Did you see her on a number of occasions?
A. Yes, she's been there on a few occasions, yes.
Q. You said you worked with Ralph Chacon, correct?
A. Yes.
Q. And how long did you work with Ralph Chacon?
A. I worked most of my time at the ranch on the graveyard shift. Ralph Chacon may have worked a substantial time, too, graveyard shift. But he was on another shift, also.
Q. Was he a friend of yours?
A. Yeah, we got along pretty good. I would say a friend, yeah.
Q. You mentioned someone named Brett Barnes, right?
A. Yes, sir.
Q. Did you ever see relatives of Brett Barnes at Neverland?
A. I don't recall. Maybe --
Q. Do you recall his mother?
A. -- maybe yes; maybe no. I don't recall.
Q. Do you recall ever seeing his sister?
A. No, I don't recall.
Q. Okay.
A. I may have.
Q. Now, you indicated that you didn't know if 7448

there were any rules should a child get out of line,
or wild, or anything like that. You said there were
no rules that you were supposed to follow?
A. I recall there were no procedure if a
child -- I don't recall anything like that.
Q. Well --
A. Of course, if they're doing something really
bad, you know, you have to stop that, but --
Q. Well, you said Jordie Chandler crashed a
golf cart at one point, right?
A. Yeah, I remember he hit the golf cart at
one --
Q. Did you take care of him?
A. I think there was an accident report
written. That's what I -- vaguely.
Q. Well, what did you consider your
responsibilities as head of security to be?
A. To provide security for Mr. Jackson and his
guests, you know, the property and so on. Make sure
that intruders don't come on the property. That
type of thing.
Q. Now, the prosecutor asked you if you had
been head of security, right?
A. Yes, sir.
Q. And you answered yes, right?
A. Yes. For the last part of my employment,
yes.
Q. And how long a part of your employment were 7449

you head of security?
A. Maybe three months. Three months, four months.
Q. Three months?
A. Yeah.
Q. So that would be the last three months that you worked in 1994, right?
A. Yeah.
Q. Okay. So you became head of security long after you claim you saw Mr. Jackson act this way with Mr. Chandler, correct?
A. That's correct.
Q. And before you were head of security, what was your position?
A. I was a sergeant, supervisor of the -- of a shift.
Q. Now, you said that the Jacuzzi is located outside the house, right?
A. The one I'm talking about. Maybe there's one inside. I don't know.
Q. But there's one outside the house?
A. Yes, sir.
Q. Is that in the back of the house?
A. It's in the back of the house.
Q. Okay. And what else do you see near the Jacuzzi in the back of the house?
A. There's the Jacuzzi. There is a large swimming pool. On the other side, there is a huge 7450

barbeque area with a roof, but it's not, you know,
boarded, no sides.
Q. That Jacuzzi is in open view, right? It's
not hidden by anything?
A. There's some little shrubs in that area.
But it's not hidden, no.
Q. Yeah. It's a pretty open area, isn't it?
A. Pretty much, yes.
Q. And guards who are walking around Neverland
or driving, can see it, correct?
A. No. If you're driving, you probably cannot
see it.
Q. But if you're walking around, you can?
A. Well, how can I answer you? We were told
not to go near Mr. Jackson and his guests, so we
would not walk where he was.
Q. There are hills above, correct?
A. Yes.
Q. You could actually look down, can't you?
A. If you look down with binoculars or so, you
could probably see.
Q. And there are offices on the hill, true?
A. Not in that area, no.
Q. Which area are you talking about when you
say □a hill□?
A. You said Jacuzzi?
Q. Yes.
A. In relation to the Jacuzzi, if you go way 7451

down, maybe 2-, 300 yards, in that area, there is the administration office, the gardeners.
Q. Right.
A. But they cannot see the Jacuzzi area.
Q. They can see the pool area, can't they?
A. No.
Q. Can't see it at all, even if they look?
A. Even if they look. Because the arcade and the trees in that area are going to be blocking that area.
Q. The pool area is a pretty wide open area, isn't it?
A. Yeah, but there's a big building blocking it. You can't see through.
Q. But guards do walk around, do they not?
A. Yes, when -- but not when we have guests and stuff. They don't want us walking around when they're swimming.
Q. Okay. But you stay there when guests are there because you're supposed to protect the guests, true?
A. Generally if guests are around there, you don't stay close where -- you know, to watch them. You would stay maybe like in the breezeway or in a dark area. But you don't -- you know, you don't go close to the guests.
Q. But part of your responsibility was to make sure that guests are properly treated, true? 7452

A. Yes, but we were instructed not to have close contact with Mr. Jackson or his guests, to keep away, give them distance.
Q. Well, to observe what you say you observed, you would have had to get close to Mr. Jackson, true?
A. Are you talking about the Peter Pan display?
Q. Talking about the Jacuzzi.
A. Yeah. Well, he called me for a couple of drinks, for a couple of sodas.
Q. Right.
A. I was walking and he says, Security, security. So I went to him, and he said, Can you bring two sodas? And I spoke to the chef about it.
Q. Obviously, Mr. Jackson didn't seem to be afraid to have you see what he was doing.
A. I did not go near him. I was a distance when he asked me for the sodas.
Q. He called you, right?
A. He called me, that's correct.
Q. Okay. Now, typically how many hours would you work on a shift?
A. How many -- pardon me?
Q. How many hours would you work on a shift?
A. Areas?
Q. No, hours, time.
A. Hours. Eight hours. Maybe a little bit more if it's needed, if we're short. 7453

Q. And at the time that you say Mr. Jackson locked his house, what shift were you working?
A. The night shift, the graveyard shift. I think it was from like 10:00 to 6:00 in the morning.
Q. 10:00 to 6:00 in the morning?
A. Yes.
Q. Now, how often did you work that graveyard shift?
A. I worked that graveyard shift, I'm just estimating, pretty much all my employment. I would say 75, 80 percent of my employment.
Q. And do you recall ever seeing Mr. Jackson outside in the evening?
A. Yes, sir.
Q. Did you ever see Mr. Jackson walking late at night?
A. Yes, sir.
Q. Ever see Mr. Jackson driving late at night?
A. Yes, sir.
Q. And you would sometimes see Mr. Jackson at 3:00 in the morning, correct?
A. Yes, sir.
Q. Because Mr. Jackson's known to be by himself sometimes at 3:00 in the morning, right?
A. I don't recall seeing him by himself three o'clock in the morning.
Q. He would take walks or he would drive, correct? 7454

A. I don't recall him by himself at three o'clock in the morning.
Q. But you've seen him late at night on his property, true?
A. Not alone, but with guests.
Q. Have you seen him late at night on his property?
A. That's correct.
Q. Have you ever seen him driving on his property alone late at night?
A. No, I don't recall. But I really don't recall Mr. Jackson driving alone.
Q. And you've seen him with guests late at night, right?
A. Yes, sir.
Q. 3:00 in the morning was not unusual at times, right?
A. I would say not unusual. That would be unusual. Hardly ever. Maybe all my employment I've seen him outside that time maybe two or three times or so.
Q. And, sir, he has gone back into his house late at night and locked it, hasn't he?
A. That evening, that night? Before?
Q. He has done that at various times when he goes out late at night, hasn't he?
A. I don't recall that, sir.
Q. Okay. 7455

A. He may have, but I don't recall.
Q. But you didn't check every time he went out late at night to see if he locked the door when he went back into the house?
A. Yes, you have to check. You have to check the whole property to make sure the property is secured.
Q. But he routinely locks that door when he comes back in the wee hours of the morning, sir?
A. No. No, sir, I'm telling you.
Q. Okay.
A. I know that is a fact.
Q. So when he brings guests back into his house at 3:00 or 4:00 in the morning, he never locks it, is what you're saying.
A. Mr. Jackson doesn't lock the property, even his house. We walk around and lock the house.
Q. Sir, you didn't check every time he went back into his house late at night to see if it was locked?
MR. SNEDDON: I'm going to object as argumentative and asked and answered.
MR. MESEREAU: All right.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Now, where is the Peter Pan display in relation to the house?
A. If you have the -- you have the house, the main house -- 7456

Q. Yes.
A. -- there's a breezeway. On like a big archway, there's Mr. Jackson's office. So the Peter Pan display would be if you're driving to the back of the house, and you come around to the side of Mr. Jackson's office --
Q. Uh-huh.
A. -- the Peter Pan display, as far as I can recall, would be on that window. So it would be to the back of the house. Would be 10, 15 yards or so.
Q. Okay. Now, you indicated you had requested a raise several months before you got one, right?
A. That's what I recollect, yeah.
Q. And you had requested a raise to a Mr. Bray, correct?
A. I remember requesting a raise to the administration. I'm not sure if it's directly to Mr. Bray, you know, but to the head of Mr. Jackson's company. I knew he had put Mr. Bray in there.
Q. I'm sorry.
You had complained that you were very underpaid, true?
A. Well, I said I should be paid the amount that the last chief of security was being paid. That's what I recollect.
Q. Right. And didn't you also complain that others were getting paid more than they should, like the private security guards? 7457

A. I don't recollect that. I recall telling them that some officers were working for more money than some, and they should come up to be equal. So the new officers were making more money than the old officers we hired on. I think it's fair that they should get the same amount of money.
Q. Did you put the request in writing?
A. I recall so, yes. I vaguely recall that.
Q. And were you interviewed about that request?
A. By Mr. Bray, yes.
Q. Okay. Now, people in your security group did not like Mr. Jackson's private security people, did they?
A. I can't speak for everybody. But in the beginning, I got along with them in the beginning.
Q. But didn't a lot of tension develop between the two groups?
A. Yeah. It developed as time went on, yes.
Q. And your group would not travel with Mr. Jackson, right?
A. No. We were just security for the ranch.
Q. The other group would travel with him when he went on tour, right?
A. That's correct. That's my understanding.
Q. They would travel with him to various cities, correct?
A. That's my understanding, yes.
Q. And when they returned -- excuse me. When 7458

Mr. Jackson returned, they would come with him, right?
A. No, that's the first time they came on property.
Q. Well, sometimes one or two would travel on a flight with him, correct?
A. I don't know. I've never been on a flight with him. But I'm talking about Neverland Valley Ranch.
Q. Right.
A. When Mr. Jackson came back in .93 or .94, that's the first time I've seen any one of his OSS officers there.
Q. But he had security people in the past when he went on tours, throughout his life, providing security for him?
A. That's my understanding, yes.
Q. Okay. And he's had security problems his whole career because he's so famous, right?
A. Yes, I know that.
Q. Now, you said Van Norman pointed a gun at a fan; is that true?
A. Yes.
Q. Did you watch that?
A. Yes. He, like, put -- like through the gate.
Q. And you were upset with that?
A. I was frightened, you know. 7459

Q. And never made a complaint to anybody?
A. No. Who can you complain to?
Q. Well, you're a former police officer. You could call the local police, couldn't you?
A. Yes, I could have. But in the conditions there, you can't talk. When you're in that ring of that employment, you don't talk.
Q. Where were you living at that time?
A. Lompoc.
Q. On one of your trips back or forth to Lompoc, you could have called a police officer, correct?
A. That's correct.
Q. Now, do you remember in your civil trial a tape was produced that you claim had some threats on it?
A. I vaguely remember. I remember there was a tape, yes.
Q. And it turned out to be a tape involving your son and some music. Do you remember that?
A. Could be, yeah.
Q. There was no threat at all, correct?
A. Probably, yeah. I don't recall, but it's fine.
MR. MESEREAU: Okay. No further questions, Your Honor.
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// 7460

REDIRECT EXAMINATION
BY MR. SNEDDON:
Q. Mr. Abdool, with regard to those occasions where you saw Mr. Jackson out at night at 3 a.m., was he with little boys on any of those occasions?
A. Yes, sir.
Q. Mr. Mesereau asked you why you didn't complain to Mr. Jackson about certain events that were happening on the ranch with regard to these OSS individuals. Do you recall those series of questions?
A. Yes, sir.
Q. Why did you not complain to Mr. Jackson about that?
A. I felt they were more like attached to him, because he'd be talking with them and they would go meet him personally and talk to him. So I was -- I was scared to, you know, go to him and complain about the people who were close to him.
Q. Now, Mr. -- Mr. Mesereau asked you about this gasoline incident.
A. Yeah.
Q. And do you remember he showed you the form, it was December of .93?
A. Yeah. Okay.
Q. And was it after that point, after this incident where you wouldn't sign for having done anything wrong, that you became -- they promoted you 7461

to head of security?
A. Yes, sir.
May I explain about the gasoline?
Q. Pardon?
A. May I explain about the gasoline?
Q. If you'd like to.
A. Yeah. What happened, I remember going to work that evening, and I had very little gas in my car. And I ran an errand, you know, to somewhere in Solvang with my personal car. And when I came back, I put three gallons of gasoline to -- you know, for whatever I used, because I had very little gas to go home after.
And I told Mr. Wegner about it. I told him about it. I told him I took three gallons of gas. I didn't hide it. And, you know, we had -- in the ending, we had -- our relationship was not good.
Q. But in any case, after that incident they still promoted you?
A. To head of security, yes.
Q. Okay. Now, with regard to some timing issues here, were you still employed at the ranch at the time that you testified before the Los Angeles County Grand Jury?
A. Yes, sir.
Q. Mr. Mesereau asked you a lot of questions about interviews that you gave and your participation in a joint interview with some -- with 7462

a magazine.
A. Yes, sir.
Q. Did you ever say anything during those interviews that you said that was untrue?
A. I don't recall the interviews. It's hard -- it's 13 years ago. It's hard for me to recall what I said or what was -- what I was quoted as saying.
Q. Well, I'm not interested in what you were quoted, because we all know how we can be misquoted. But with regard to what you have said, would you have said anything that was untrue?
A. No, no.
MR. MESEREAU: Objection. Calls for speculation
THE COURT: Sustained.
Q. BY MR. SNEDDON: Do you have a recollection of ever saying anything to any of those people, interviews, that was untrue?
A. No.
MR. MESEREAU: Objection.
THE WITNESS: I --
MR. MESEREAU: Objection. Relevance; foundation; calls for speculation.
THE COURT: Overruled.
You may answer.
Q. BY MR. SNEDDON: That means you can answer.
A. Can you say the question again?
THE COURT: He said, "No," so -- 7463

MR. SNEDDON: So just leave the answer in, Your Honor? That's fine.
Q. And lastly, since this case has been in the news - okay? - the present case --
A. The .9 --
Q. This case.
A. Okay.
Q. The current case against Mr. Jackson.
A. Yes, sir.
Q. And before you were subpoenaed to testify in this case, were you approached by members of the press to give interviews?
A. Within the last year and a half, yes.
Q. And were you offered substantial amounts of money to do that?
MR. MESEREAU: Objection. Leading; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: People have not talked money figure. They have come to my house. They have called me at work. They want to do interviews. They want to write books. Many reporters in the last year and a half have approached me.
Q. BY MR. SNEDDON: Have you talked to any of them?
A. I pretty much chase them away. I tell them, I don't want to talk about it. I don't want to get 7464

involved in this.
Q. And you're here today because you were subpoenaed to come, correct?
A. Yes, sir.
MR. SNEDDON: Nothing further.

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. Mr. Abdool, you're subject to a gag order in this case, correct?
A. That's correct.
Q. You're not allowed to talk to the media, right?
A. That's correct.
Q. You were informed of the gag order by the prosecution, correct?
A. Yeah. About two, three months ago, yes.
Q. Well --
A. I'm talking about before that.
Q. Well, even before that, you knew that you were a potential witness in the case, didn't you?
A. Yes.
Q. When did you first talk to any prosecutor about your testifying in the case?
A. Mr. Sneddon called me about three weeks ago, I think.
Q. Did you ever talk to any sheriff about this case? 7465

A. No. No.
Q. Never gave interviews at all?
A. Yes, I talked to sheriffs long ago. 12, 13 years ago, I think.
Q. Okay.
A. But recently, no. Mr. Sneddon called me about three weeks ago. That's the first contact I had with the sheriffs.
Q. Did he tell you there was a gag order on the case?
A. The officer that serve me --
Q. Yes.
A. -- the subpoena at my house told me there was a gag order.
MR. MESEREAU: Okay. No further questions.
MR. SNEDDON: Nothing further, Your Honor.
THE COURT: All right. Thank you. You may step down.
MR. AUCHINCLOSS: We'll call as our next witness, Your Honor, Lieutenant Jeff Klapakis.
THE COURT: When you get to the witness stand, you may be seated. You're still under oath.

JEFF KLAPAKIS
Having been previously sworn, resumed the stand and testified further as follows:
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// 7466

1 DIRECT EXAMINATION
2 BY MR. AUCHINCLOSS:
3 Q. Good afternoon, Lieutenant Klapakis.
4 A. Good afternoon.
5 Q. You've previously testified that you were
6 assigned to the case of People v. Michael Jackson as
7 the lead investigator?
8 A. I was the lieutenant in charge of the case,
9 yes.
10 Q. All right. And I think where I left off
11 questioning you, I asked you if, in the month of
12 January, 2004, you served a search warrant on the
13 home of Frederic Marc Schaffel?
14 A. Yes, I did.
15 Q. And what day was that?
16 A. I believe it was January 31st, .04.
17 Q. Who was with you when you served that
18 warrant?
19 A. I had several of my detectives, John
20 McCammon, Craig Bonner, Vic Alvarez, Sergeant Robel.
21 They arrived at differing times. I believe Sergeant
22 Robel was doing something else and he arrived
23 shortly thereafter. Paul Zelis.
24 Q. And were you directed by the Court to seize
25 certain documents pursuant to that search warrant?
26 A. Yes.
27 MR. SANGER: I'm going to object to the
28 Court directing him. He was permitted by the Court 7467

1 to do that.
2 MR. AUCHINCLOSS: It was an order is what it
3 is.
4 THE COURT: Well, you're both right. Next
5 question.
6 MR. AUCHINCLOSS: All right. Thank you.
7 If I may approach, Your Honor.
8 THE COURT: Yes.
9 Q. BY MR. AUCHINCLOSS: Lieutenant Klapakis, I
10 show you a notebook that is marked as original
11 exhibits 400 to 420, F. Marc Schaffel files.
12 Under the Tab 400, there appears to be a
13 single page that says -- entitled, ?Work Agreement
14 with Neverland Valley Entertainment.? Can you
15 identify that document for me, please?
16 A. Yes, this is a document we found pursuant to
17 that search warrant at Schaffel's house, and it's a
18 work agreement between Michael Jackson --
19 MR. SANGER: Objection, Your Honor. That's
20 nonresponsive. Motion to strike.
21 THE COURT: Stricken.
22 Q. BY MR. AUCHINCLOSS: And this document is
23 noted as Exhibit 400 on the first page; is that
24 correct?
25 A. Yes.
26 Q. Where was this document seized from?
27 A. It was found in a master bedroom closet in
28 Mr. Schaffel's house. 7468

Q. Okay. Was there any box or file cabinet, anything of that nature that you located that file in?
A. No, I believe it was loose in the closet.
Q. And now I show you Exhibit 401. It appears to be a four-page document; has Exhibit Tab 401 on the front page, and there appears to be a fax sheet on the front of that to Tom Byrne.
A. Yes.
Q. Can you identify that document for me, please?
A. Yes. This is a document I found in a locked closet within a guest bedroom of Mr. Schaffel's house. And it was in a filing cabinet.
Q. Okay. Was there anybody living in that guest bedroom?
A. No.
MR. SANGER: Calls for speculation.
THE COURT: Sustained.
MR. SANGER: Move to strike the answer.
THE COURT: Stricken.
Q. BY MR. AUCHINCLOSS: All right. Did you see anybody else's personal belongings in that room?
A. No.
Q. And you said that the closet was locked. Tell me about that.
A. It was -- I believe it was a deadbolt lock on a closet in that bedroom. 7469

Q. How did you get into the closet?
A. One of my detectives is familiar with how to pick locks, and he picked the lock.
Q. And tell me about the filing cabinet that it was seized from.
A. There were, I believe, seven filing cabinets in this closet. And I believe it was in the sixth filing cabinet, one of the drawers.
Q. And can you identify for me the nature of documents that were found in those filing cabinets along with this document?
A. Yes.
MR. SANGER: I'm going to object. Calls for hearsay.
MR. AUCHINCLOSS: I'm asking for a generality.
MR. SANGER: Then it's vague.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Were you able to determine the identity of the individual whose documents were in those cabinets based upon the totality of everything that you searched? And maybe I'll back away from that and ask, first of all, did you have occasion to peruse the contents of those various file cabinets?
A. Yes.
Q. And was there any indicia of ownership located in those file cabinets? 7470

MR. SANGER: Objection. Calls for speculation.
THE COURT: Calls for a conclusion.
Sustained.
Q. BY MR. AUCHINCLOSS: Was there anybody's name associated with the documents in those file cabinets?
A. Yes.
MR. SANGER: Objection. Vague; calls for speculation; lack of foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did you have any indication that those file cabinets belonged to anybody other than the owner of that home?
MR. SANGER: Objection, Your Honor. This calls for speculation. There's a lack of foundation proven. It's an opinion or conclusion.
THE COURT: Well, I'll sustain the objection.
MR. AUCHINCLOSS: All right.
Q. Did you know if -- could you tell, based upon your -- well, let me strike that.
Did you do a walk-through of that house?
A. Yes.
Q. Did you locate any other occupants?
A. No.
Q. Any occupants whatsoever?
A. The house was vacant. Not vacant, but nobody was there. Unoccupied. Excuse me. 7471

MR. AUCHINCLOSS: Thank you. I have no further questions.
MR. SANGER: I'll let you take your stuff. May I proceed, Your Honor?
THE COURT: Yes.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Okay. Now, first of all, you said something in response to a question about a search warrant. Your office applied for a search warrant, correct?
A. Several.
Q. Okay. We're talking about this particular case.
A. Then yes.
Q. And what date was the search warrant applied for?
A. I believe it was applied for on the same date.
Q. What date was that?
A. I believe it was January 31st, .04.
Q. And at that time, when you applied for the warrant, you understood you were asking the Court's permission to search a private area, right?
A. A residential home.
Q. Which would be a private -- otherwise a private area, correct?
A. Yes. 7472

Q. All right. And that is not -- you were not -- let me withdraw that.
It was not your understanding that any court, on its own volition, told you you ought to go search this area; is that right?
MR. AUCHINCLOSS: Objection. Calls for a legal conclusion.
THE COURT: The objection is overruled.
You may answer.
THE WITNESS: I'm not quite sure I -- could you repeat the question?
MR. SANGER: Okay. Could we ask it be read back?
THE COURT: All right.
(Record read.)
THE WITNESS: If I understand your question correctly, did the Court ask us to go do this? The answer is no.
Q. BY MR. SANGER: All right. As part of law enforcement, you decide where you want to go, you ask permission, and you either get it or you don't when you ask for a warrant, correct?
A. Yes. That's an easy way to say it, sure.
Q. All right. Now, when you searched the -- these premises, approximately how many documents were ultimately booked into evidence?
A. Do you want a guesstimate?
Q. Your best estimate, yes. 7473

A. Hundreds.
Q. Thousands?
A. It's very possible there were thousands.
Q. Now, you're the lieutenant in charge of this investigation, correct?
A. Yes.
Q. And therefore, your -- part of your responsibility is to know what is booked into evidence, correct?
A. That's pretty vague. I mean, it's -- I'm not going to know everything that -- on every document that goes in, no. The answer would be no.
Q. But you have a general idea of how many documents were seized in January, correct?
A. Generally? And I said hundreds, possibly a thousand.
Q. Hundred, possibly a thousand?
A. Yes.
Q. Were any other documents seized from Mr. Schaffel on any other occasions?
A. Yes.
Q. And how many documents were seized?
A. No, actually we seized -- I'm not sure we seized documents, but we seized computers on a different occasion.
Q. All right. And when was that?
A. I believe it was a few days afterwards. But again, I'm not sure. I wasn't present during that 7474

search.
Q. And your understanding, as the lieutenant in charge of this investigation, that the computers contained tens of thousands of documents?
MR. AUCHINCLOSS: Objection. Beyond the scope, and relevance.
THE COURT: Sustained.
Q. BY MR. SANGER: Okay. Now, based on your role as the lieutenant in charge of this investigation, were you aware from your investigation that Mr. Schaffel had employed other people?
A. I'm aware that he worked with other people, yes. Whether they were employed by him, that --
Q. Were you aware from your investigation that other people had been given office space within Mr. Schaffel's house?
MR. AUCHINCLOSS: Objection. Foundation; hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: I'm aware that Mr. Schaffel also used his home as an office at times.
Q. BY MR. SANGER: And he had other people working for him there in his house?
A. I believe that they did work out of his home at times, yes.
MR. SANGER: There you go. Thank you. No 7475

1 further questions.
2 MR. AUCHINCLOSS: I have no further
3 questions.
4 THE COURT: You may step down.
5 THE WITNESS: Thank you.
6 MR. AUCHINCLOSS: Call Detective Craig
7 Bonner as our next witness.
8 THE COURT: When you get to the witness
9 stand, you may be seated. You're still under oath.
10
11 CRAIG BONNER
12 Having been previously sworn, resumed the
13 stand and testified further as follows:
14
15 DIRECT EXAMINATION
16 BY MR. AUCHINCLOSS:
17 Q. Good afternoon, Detective Bonner.
18 A. Good afternoon.
19 Q. Before I begin asking you about some files
20 regarding a search warrant, I'm going to cover a
21 couple of other items.
22 Pursuant to your -- you previously testified
23 you're a detective in the People v. Jackson case,
24 correct?
25 A. That's correct.
26 Q. And pursuant to your investigation, were you
27 asked to compare a sheriff's office item number, a
28 tape, Item No. 817, with a Court Exhibit No. 827? 7476

This would be a phone call that has been admitted into evidence referred to as the Frank/Janet phone call.

A. That's correct.

Q. Did you compare those items as to their similarity or identical -- the identical information on those two -- I shouldn't say documents. I believe they're two tapes, right? Or CDs?

A. That's correct. Well, the original is a tape. The exhibit is a CD.

Q. Okay. So the S.O. No. 817 is a tape that was seized pursuant to this case?

A. That's correct.

Q. And you compared that with the Court CD, Item No. 827?

A. That's correct.

Q. Are they one and the same, as far as the -- as far as the voices and information that's on those two audio medias?

A. Yes, they are.

Q. Same question for Sheriff's Office Item No. 818, and Court Exhibit No. 828, which is the Miller interview of the Arvizo family. Did you compare those two items?

A. Yes, I did.

Q. Again, was 818 a tape?

A. Yes, it was.

Q. 828 is a CD? 7477

A. Yes.
Q. And they're one and the same in terms of the information that's on them?
A. Yes, they are.
Q. Okay.
(Off-the-record discussion held at counsel table.)
MR. SANGER: Could we have just a moment, Your Honor, please?
MR. AUCHINCLOSS: I need an exhibit number.
Q. Detective, pursuant to your duties in this case, were you asked to do a photographic documentation of grand jury exhibits?
A. Yes, I was.
Q. And what was the nature of that task?
A. On July 20th, I went to the Superior Court in Santa Barbara where the exhibits that were lodged into the court from the grand jury proceedings were being held. I then photographed certain exhibits at that location, including every page of magazines that were booked in.
MR. AUCHINCLOSS: Okay. And if I might approach again, Your Honor.
THE COURT: Yes.
Q. BY MR. AUCHINCLOSS: Detective, I show you a envelope with Exhibit 53, GJ Pics written on the outside. It appears to contain a document with Item 317 on the top. It is held together by a green 7478

paper clip and there's three pages to it.
And then there appear to be a number of
photographs that are following that, along with
photographs of the contents of Exhibit 470 face
page.
Can you identify that for me?
A. Yes, I can.
Q. What is it?
MR. SANGER: Well, there's one problem. I
think I missed the court exhibit number for what is
being shown the witness.
MR. AUCHINCLOSS: Exhibit 843.
Q. All right. Can you please identify that for
me, Detective?
A. Yes, I can. When I went to the court,
specifically one of the items that I photographed
the contents of was Item 317, the black briefcase.
That's also the Grand Jury Exhibit No. 53. I did
that with a digital camera.
All of those photographs were downloaded
onto a CD. These pictures are the printed
photographs that I took of the materials. This
document corresponds to these pictures and tells the
reader which picture corresponds to which item, and
to what the current exhibit number is for this
trial.
In addition to that, I also went in and I
handwrote in the sheriff's department item number 7479

for each picture.
MR. AUCHINCLOSS: Okay. Ask to admit
Exhibit No. 843 at this time, Your Honor.
MR. SANGER: I'm going to object to it.
Number one, it contains some extraneous material,
other than the photographs of the grand jury
exhibits.
Number two, that it's cumulative. These
pages of these magazines have already been marked
and shown to the jury countless times in different
contexts or for different reasons. This being yet
another set, it's cumulative.
MR. AUCHINCLOSS: And I'm willing to make an
offer as to the specific reason for this, if you
wish.
THE COURT: Okay.
MR. AUCHINCLOSS: Shall we do it at sidebar?
THE COURT: All right.
(Discussion held off the record at sidebar.)
THE COURT: All right. Based on the offer of
proof, I'll admit it.
MR. AUCHINCLOSS: All right. If I could
have the Elmo, please.
Q. All right. So what was the date that you
conducted this photo essay of evidence?
MR. SANGER: Asked and answered, and photo
essay is vague and ambiguous.
THE COURT: Sustained. 7480

Q. BY MR. AUCHINCLOSS: When did you do these photographs?
A. July 20th.
Q. All right. All of them were taken on that day?
A. Yes.
Q. And I show you the first page of the three-page document that I previously identified. And if you'd tell me what this, explain this document to me, please.
A. This is -- I prepared this by order sequence of the pictures. It will tell you the evidence item number, that's the sheriff's department number, as well as the trial exhibit number for the item that is pictured.
Q. Okay.
A. That's by sequence of the pictures.
Q. All right. And there's three pages of that, correct?
A. Correct.
Q. Two and a half? Well, almost three.
A. They're the same material. They're in different order for researching purposes.
Q. All right. I need you to explain that for me. I'll show you the first one again.
MR. SANGER: Actually, Your Honor, I apologize, I should have brought this up, but we have not been provided a copy of this, of these, of 7481

any of this, but specifically these three pages.
And it appears that counsel's not familiar with them either. Could we please have a copy so we can look at them closely while we go through here?
THE COURT: Do you have a copy for them?
MR. AUCHINCLOSS: No.
THE WITNESS: I have an extra copy.
MR. AUCHINCLOSS: Thank you, Detective.
THE COURT: Go ahead.
MR. AUCHINCLOSS: May I proceed?
Q. Okay. Now, this one has the notation in the right-hand portion of the document, "Order by picture sequence"?
A. That's correct. So --
Q. And what does that mean?
A. It means that if you follow along with the pictures, this document is going to follow as the pictures go along.
Q. Do you mean in terms of the --
A. So if you start, page one, with the first picture, it's a picture of Item 317-J.
Q. Okay. And did you make that notation on each of the pictures that is in this exhibit?
A. Yes, I did.
Q. Okay. The second page, that's, "Order by S.B.S.O. item number." What does that mean?
A. It's the same data that has been reconfigured so that if somebody wants to go and 7482

quickly look based upon the sheriff's department item number, that they can do that, and they can correspond that with the trial exhibit number.
Q. Okay. And then lastly, you have, "Order by criminal trial exhibit number."
A. Again, the same data. This time it had been arranged so that you can quickly look, based upon a trial exhibit number, and know what the sheriff's department number is.
Q. Okay. So all of these three documents have the same information in different configurations?
A. That's correct.
Q. All right. Now, I'm just going to show you the first page of this group of exhibits and just ask you to explain to me what you did.
Okay. These are an example of the photographs you took?
A. Yes, they are.
Q. And explain this exhibit to me.
A. The easiest way -- it's a printout in order of the pictures as they were taken. You can't really see it too well, it's a little fuzzy, but 317-J is written above this picture.
Q. We're going to give you a laser pointer so it's a little easier for you, and I'll blow this up a little bit.
A. Okay. This is Item 317-J. I have notated that above the picture. Same thing for this one. 7483

If you were to -- I'll skip down to this picture right here. This is 317-A, and the order goes like this.
Q. And these are -- this is the -- I believe you testified to this, but this is the grand jury exhibit that was presented to the grand jury?
A. That's correct.
Q. All right. Detective, did you participate in the execution of a search warrant in the case of People v. Jackson on January 31st, 2004?
A. Yes, I did.
Q. And whose home did you serve that search warrant on?
A. Marc Schaffel or Frederic Schaffel.
Q. And did you seize documents pursuant to that search warrant?
A. Yes, I did.
MR. AUCHINCLOSS: If I might approach again, Your Honor.
THE COURT: Yes.
Q. BY MR. AUCHINCLOSS: All right. Detective, I show you the notebook that I've mentioned as Exhibit 400 through 420. And showing you Exhibit 402, which appears to be a Neverland Valley Entertainment -- "What more can I give" is at the top of it.
I'm sorry. I'm a little ahead of myself here. 7484

I'm going to first show you Exhibit 404,
which appears to be a two-page document --
three-page document. The first page appears to be
entitled, Messages. Did you seize that document
pursuant to the warrant?
A. Yes, I did.
Q. Then there are two more pages attached to
that or behind that, the first of which is entitled,
MJJ Productions Working Group List. Appear to be
phone numbers.
Did you also seize those documents, those
two documents?
A. Yes, I did.
Q. Where did you seize those?
A. Those were seized from an upstairs bedroom
closet. It was a small walk-in closet that was
locked, and within that were a number of filing
cabinets.
One of these cabinets in particular had a
drawer that was pretty much filled with materials
related to this case. We seized -- or I seized that
entire drawer, and that is where this document came
from.
Q. Did it come out of a specific file?
A. I believe it came out of the Stuart
Backerman file.
Q. A file that had Stuart --
MR. SANGER: I'm going to object to hearsay 7485

content. There's no foundation for any of this.
MR. AUCHINCLOSS: I'm just asking where it was located.
THE COURT: The objection is overruled.
Q. BY MR. AUCHINCLOSS: Moving to 405; let's see, it appears to be a one-page document with Bell Yard at the top of it.
Did you seize that pursuant to the execution of this warrant?
A. Yes, I did.
Q. And where was that document seized?
A. This came out of the same file drawer.
Q. Moving on to 406, it appears to be a 14-page document. The first document has Hale Lane at the top of it. Appears to be a fax sheet.
Did you seize this 14 -- these 14 pages?
A. Yes, I did.
Q. And where did they come from?
A. Again, out of the same file drawer.
Q. 407, it appears to be a ten-page document, and the first page appears to be an e-mail entitled, Spain Deal.
Can you look through those documents and tell me if you seized those pursuant to the search warrant that you've been discussing in this?
A. Yes, I did.
Q. And where were those documents seized from?
A. Those were on top of the filing cabinets. 7486

1 Q. Okay. Were they located inside any
2 particular file?
3 A. There was a file titled, Ronald.
4 Q. 408 appears to be four pages, and I think
5 we've withdrawn that, so I'll move on.
6 409, that's my next witness.
7 410, did you seize that document? This
8 appears to be a four-page document, starts off with
9 a phone number sheet, two pages of yellow paper,
10 lined paper, and then a -- looks like a fax.
11 A. Yes, I did.
12 Q. Were those seized pursuant to the warrant?
13 A. Yes, they were.
14 Q. And where were they seized from?
15 A. They were seized from, again, on top of the
16 filing cabinets and they were in a file-held address
17 book.
18 Q. Moving on to 411. This is a two-page
19 document. Appears to be some kind of a computer
20 printout with Enterprise Rent-A-Car on the top
21 page of each one. Did you seize those documents?
22 A. Yes, I did.
23 Q. Where did they come from?
24 A. They came from that large filing drawer that
25 we seized, and a -- specifically a file in that
26 drawer that said, Enterprise Rental.
27 Q. From the locked closet?
28 A. Yes. 7487

1 Q. And the file said, Enterprise Rental?
2 A. Yes.
3 Q. Moving on to 412, it appears to be a
4 five-page document, a Hale Lane fax sheet on the
5 first one; Gabriel Media on the second one;
6 Appearance and Consent, third; MJJ Productions
7 on the fourth. The fifth appears to be a signature
8 page.
9 BAILIFF CORTEZ: They can't hear you, sir.
10 MR. AUCHINCLOSS: The fifth appears to be a
11 signature page.
12 THE WITNESS: I seized these documents.
13 Q. BY MR. AUCHINCLOSS: Where did you seize
14 them from?
15 A. These were seized from within that same file
16 drawer. Specifically a file titled, Artist
17 Release, or Artist releases.
18 Q. Okay. Moving on to 413, it appears to be a
19 ten-page document. The first page -- the first five
20 pages appear to say, Appearance, Consent and
21 Release on them. The next page is a yellow lined
22 page. And the next page appears to have six pages
23 paper-clipped together, all contained in one plastic
24 liner, all right? So we've got, looks like, 11
25 pages total in there.
26 Did you seize those documents?
27 A. Yes, I did.
28 Q. Okay. Where did they come from? 7488

A. They came from within that large filing drawer and in a file folder titled, "Model Releases."
Q. And showing you what's noted as page seven, there appears to be several documents that are paper-clipped together. Were those documents paper-clipped in that fashion when you found them?
A. I believe so, yes.
Q. All right. Moving on to 414, it appears to be an eight-page document that -- and we have -- I believe we've withdrawn that.
So I'll go to 415, which appears to be 47 pages of various records. The first one appears to be -- has "Living with MJ, Take 2" at the top.
Did you seize those 47 pages, Detective?
A. Yes, I did.
Q. And where did those come from?
A. These were contained within a black binder which I found on a shelf above the filing cabinets.
Q. Moving on to 417, skipping 416, it appears to be a 12-page document, at least 12 plastic-lined -- or, I'll double-check this. It does appear to be 12 pages.
All right. Can you identify that for me, please? Or I should say, did you seize those pages from the home of Marc Schaffel during the execution of this warrant?
A. Yes, I did. 7489

Q. Where did they come from?
A. They came from that same locked walk-in closet in a folder that was up above the filing cabinets.
Q. And going now to -- oh, one question that I neglected to ask you. Did that come from a particular file?
A. I believe it was the David Gardner LeGrand file.
MR. SANGER: Can we just specify for the record what "that" meant?
MR. AUCHINCLOSS: My question went to Exhibit 417. Its location was in the file drawer. My question was --
MR. SANGER: I understand. You pointed to a page, and I didn't know if you were singling out a page or you meant the whole exhibit.
MR. AUCHINCLOSS: No, I meant the whole exhibit.
MR. SANGER: I'm sorry to talk directly to counsel, but we worked it out.
Q. BY MR. AUCHINCLOSS: Is that clear to you --
A. Yes.
Q. -- that all those documents came from the David Gardner LeGrand file?
A. Yes, it is.
Q. Skipping 419 for the time being, going to 420, which appears to be a 28-page document, or 28 7490

1 separate pages, various -- look to be various
2 e-mails, did you seize those documents pursuant to
3 the warrant on Mr. Schaffel's home?
4 A. Yes, I did.
5 Q. Where did they came from?
6 A. They came out of the same large filing
7 drawer from the locked closet.
8 Q. Moving on to 421, it appears to be a
9 ten-page document. First page says at the top, Law
10 Office -- Law Offices of Armstrong, Hirsch, et
11 cetera. It appears to be a fax sheet with an
12 agreement attached to it. Did you seize those
13 items, Detective, pursuant to your warrant?
14 A. Yes, I did.
15 Q. Where did they come from?
16 A. They came from on top of the filing
17 cabinets.
18 Q. That were in the locked closet?
19 A. Yes.
20 Q. 422. It appears to be a letter of intent
21 from Royalty Advanced Funding.
22 BAILIFF CORTEZ: Still can't hear you, sir.
23 You have to --
24 MR. AUCHINCLOSS: Okay.
25 Q. It appears to be a letter of intent from
26 Royalty Advanced Funding. Let's see. I'm going to
27 have to count these pages. It appears to be 19
28 pages. 7491

Did you seize those documents pursuant to your search warrant?
A. Yes, I did.
Q. And where were they seized from?
A. They were also on top of the file cabinets.
Q. And same location, locked closet?
A. Yes.
Q. Did they come out of any specific file?
A. I believe they came out of a file titled, "Royalty."
Q. And lastly, 423, it appears to be seven pages. The face page looks to be an e-mail followed by various correspondence.
Did you seize those documents?
A. Yes, I did.
Q. Where did they come from?
A. They came out of the large filing drawer that we seized.
Q. Okay. Once again, the locked file closet?
A. Yes.
Q. And were they associated with any particular file?
A. I believe it was called "Foreign Rights."
MR. AUCHINCLOSS: All right. Thank you, Detective. No further questions.
MR. SANGER: May I have one moment, please, Your Honor?
May I proceed, Your Honor? 7492

THE COURT: Yes.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Let's talk about the grand jury pictures here, first of all.

Are you aware that one of the fingerprints that was identified sometime ago in this trial was located on a magazine that was in that briefcase?

A. I don't know. I've heard that. I don't know which one.

Q. Okay. You've heard that?

A. Yes.

Q. And so you did not go through to compare your numbers to see if the 317 sheriff's exhibit number matched up with the particular item on which a fingerprint was identified?

A. No.

Q. Basically what you're saying here with regard to all these grand jury pictures that we've just heard about is, you went to the grand jury clerk, right?

A. Correct.

Q. And you had her pull out the briefcase, correct?

A. Yes.

Q. And this -- this was theoretically the way the briefcase was delivered to her by the grand jury 7493

when they were through; is that right?
A. Theoretically, correct.
Q. And so if she did her job, she would have kept it intact, and then it would be there, you would open it up, and the contents would be the way that she got it from the grand jury, correct?
A. Yes.
Q. There was no way for you to know what was done with the briefcase at or during the grand jury proceedings; is that correct?
A. No.
Q. I'm sorry, I said, "Is that correct?" So that's my fault.
Was there any way for you to know what was done to the briefcase and the contents at or during the grand jury?
A. No, there's not.
Q. All right. And when you recovered the briefcase from the clerk, did you ascertain from her that she and staff members had gone through the exhibit without wearing gloves?
A. No.
Q. Did you do anything to, from that moment forward, preserve the exhibit so that fingerprints could be analyzed?
A. Yes, I wore gloves.
Q. And did you ask that the clerk wear gloves in the future when handling that exhibit? 7494

A. I didn't know that she hadn't.
Q. Okay. All right. Very well.
Let me ask you -- Miss Frey, we're fine on
that.
THE CLERK: Okay.
MR. SANGER: Thank you. Thank you for
looking.
Q. Let me ask you about some of these exhibits
that you had identified from the residence of Mr.
Schaffel. And I want to ask you, first of all, if
you were aware that persons other than Mr. Schaffel
had been working out of his house.
A. Yes.
Q. Now, you identified most of the exhibits in
this book that's placed before you; is that correct?
A. Yes.
Q. And by that I mean, just now you went
through and you said, "Sure enough, I seized those
items," correct?
A. Correct.
Q. What percentage, if you can give us an
estimate, of the materials that you seized does this
book represent?
A. 5 to 10 percent.
Q. Okay. So there were thousands of pages --
A. Yes.
Q. -- that you seized, correct?
A. Yes. 7495

Q. And you seized thousands of pages from tens of thousands of pages of documents and materials, maybe more than that, that were in these various offices or file cabinets or whatever the location was within this house, correct?
A. Correct.
Q. Now, you indicated in your direct testimony -- for instance, if you would look at Exhibit 421, please. It's in front of you there. 421 in the book. You indicated that this was a fax with a number of sheets attached to it. The first thing I want you to do is ask you to turn to page two of that exhibit, 421, and note that there's a handwritten number on the top.
A. 8012?
Q. Yes, sir. Is that a number that was there, or is that something that was placed there?
A. That number has been there. We didn't put that there.
Q. All right. So that's a number that just was on the document. You seized it. There it was.
A. Yes.
Q. All right. The District Attorney asked you if the document was attached to the fax. Was the document, in fact, attached to the fax cover?
A. I don't know.
Q. Okay. In fact, if you look at it, can you tell whether or not the document actually belongs to 7496

that fax?
A. Being that it didn't get -- or it was not sent to me, I wouldn't absolutely know that. I know that I seized all of these documents from that file --
Q. All right.
A. -- in his residence.
Q. And I'm just trying to clarify the question about the document attached to the fax. It's attached as it's sitting there. You don't know whether or not it was physically stapled or attached at the time, correct?
A. No.
Q. And if you look, there's no fax header on the first page and there are fax headers on the subsequent pages, correct?
A. Correct.
Q. Now, I want to go back to an exhibit. Let me just find it here. 414. Let me see if I have the right one. Yes. 414.
Now, the District Attorney indicated -- when you got to 414, he started to ask you about that and he said, "We're withdrawing that exhibit," or "That's withdrawn"; is that correct?
A. Yes.
Q. I'd like to ask you about 414, and so I'm going to ask that it be marked for identification as 414. In other words, it's already been premarked by 7497

the prosecution, but I think I need to say on the record that we're asking this be identified on the record, if that's acceptable to the Court. And it starts out with what appears to be a Xerox of -- at least the one I have is a Xerox of two --
MR. AUCHINCLOSS: I'm going to object to the admission of any evidence on that document on the basis of hearsay, including the document's name.
THE COURT: All right. As to 414, it is a marked exhibit, and it cannot be unilaterally -- how do you say that?
THE JURY: (In unison) Unilaterally.
THE COURT: All right. Let's take a break. Withdrawn.
(Recess taken.)
THE COURT: As for the rest of the objection, he's doing the same thing.
MR. AUCHINCLOSS: And I --
THE COURT: He's laying a foundation, which he's allowed to do.
MR. AUCHINCLOSS: And I have no objection to that. I'll just ask -- I'll stipulate to identification and ask --
BAILIFF CORTEZ: Your mike is off, sir.
MR. AUCHINCLOSS: Stipulate to identification and ask that counsel not read the name of the exhibit. The Court can look at that exhibit and appreciate my reasons for that. 7498

MR. SANGER: Didn't the Court just rule I could do it? I'm confused.
THE BAILIFF: Is your microphone on?
MR. SANGER: It was, but I guess I wasn't close.
THE COURT: Say that again. You're confused?
MR. SANGER: I'm confused.
THE COURT: Okay.
MR. SANGER: And I think the District Attorney was going to stipulate to that. That's what he said.
MR. AUCHINCLOSS: So stipulated.
THE COURT: You may proceed.
MR. SANGER: Okay. Thank you.
Q. The question pending was -- or I don't know if there was a question pending, but let me ask you, look at 414. The first page has what appear here to be copies of -- what do we call those these days? Floppy disks?
A. That will work.
Q. That's beginning to be like an 8-track these days, I suppose.
Anyway, it's -- you have the actual disk there; is that correct?
A. That's correct.
Q. And there's a notation on those two disks that say --
MR. AUCHINCLOSS: And that's what I'm 7499

objecting to. I'll stipulate they're two disks that he found.
THE COURT: Actually, you are not allowed to proffer stipulations in open court if the --
MR. AUCHINCLOSS: All right.
THE COURT: Go ahead, Counsel.
Q. BY MR. SANGER: Did the disk say on them "Janet expense backup" and "Janet cash expense"?
A. Yes, they do.
Q. That's followed by a number of pages that indicate "Register" at the top --
A. Correct.
Q. -- is that correct?
Now, as to 414 and the two disks, where did you locate those?
A. 414 -- well, the only thing I located was the two disks.
Q. I see. All right. Where did you locate the two disks?
A. They were in that same filing cabinet drawer that was seized from the upstairs locked closet.
Q. All right. And you see 414, the printed pages. Are those pages that were printed out from the disk subsequent to your seizure?
A. In a manner of speaking. They had to be imported into Quicken and bring it up as a check register, and then print that.
Q. Did you do that? 7500

A. Yes, I did.
Q. All right. Good. So the rest of 414 -- you have the two disks, and then the rest of it, the printed pages, is it your opinion that these pages accurately reflect at least a part of the content of the two disks?
A. That's correct.
Q. Now I'm going to refer to Exhibit 416. That is another one, if I'm not mistaken, that the District Attorney indicated that he was not going to address. And let me ask you to take a look at 416. It's been marked for identification, and the first page on 416, it says, "Summary of petty cash expenditures"; correct?
A. Yes. Yes.
Q. And that's approximately two pages. And then it appears that the subsequent pages are receipts and other evidence of expenses that were incurred; is that correct?
A. That's correct.
Q. Did you find these documents from 414 -- let me withdraw that.
Did you find these documents that are -- I'm going to withdraw that.
Did you find these documents which comprise 416 in your search?
A. No.
Q. Did somebody else find it? 7501

A. No.
Q. Do you know where they came from?
A. I believe they came --
MR. AUCHINCLOSS: Objection. That's a "yes"
or "no" question.
THE COURT: That's true. "Yes" or "no."
Q. BY MR. SANGER: Do you know where they came
from?
A. Yes.
Q. Where did they come from?
MR. AUCHINCLOSS: Objection. No foundation.
THE COURT: Sustained.
Q. BY MR. SANGER: How do you know where they
came from?
A. In meetings that we've had, I've came to
know where these items came from.
Q. Okay. As a part of your job being an
investigator in this case, you've determined where
these items were originally obtained; is that
correct? Is that what you're saying?
Let's put it this way: Did you personally
seize these from any location anywhere?
A. No.
Q. Did you witness them being seized?
A. No.
Q. So you were informed where they were seized
from?
A. Yes. 7502

Q. There you go. All right.
Now, you wanted to -- at the break, you indicated you wanted to clarify part of your testimony.
A. Uh-huh. Yes.
Q. And I believe it was with regard to we had made reference to Exhibit 421, and I believe you wanted to clarify part of your testimony with regard to Exhibit 421.
A. Correct.
Q. Are you turned to it there?
A. Yes.
Q. That's the exhibit where I asked if the cover went -- the fax cover went with the document.
A. Correct.
Q. And you were not sure. And then I had asked you about the numbers on the top of the document, number 8012, and then it seems to be successive numbers up to 8020, with a number sign in front; is that correct?
A. Correct.
Q. Just handwritten at the top, right?
A. Yes.
Q. Did you determine, during the break, whether or not those numbers were in fact on the documents when you actually seized them?
A. Yes, I did.
Q. And were they on the documents when you 7503

1 actually seized them?
2 A. No, they were not.
3 Q. Do you know who put those documents (sic)
4 on?
5 A. District Attorney personnel.
6 Q. So you seized them, booked them into
7 evidence; is that right?
8 A. Correct.
9 Q. Sometime, apparently, they were withdrawn
10 from evidence, from the booking -- I'm sorry, from
11 the sheriff's evidence, right?
12 A. Correct.
13 Q. And the District Attorney at some point had
14 them and wrote numbers on them; is that right?
15 A. Correct.
16 Q. And I take it, if you look at 422, there are
17 numbers again written on the top, which are not
18 necessarily in sequence. In fact, I could drop the
19 word □necessarily.□ They're not in sequence at all,
20 it appears; is that correct?
21 A. Correct.
22 Q. But there are numbers that I think all start
23 with the number □8□?
24 A. Correct.
25 Q. Four-digit numbers. Were those numbers on
26 those documents when you seized them?
27 A. No, they were not.
28 Q. And your understanding is that they were 7504

later added by the District Attorney's Office?
A. Correct.
Q. If we turn to 423, would that similarly be the testimony on 423?
I see that the first few pages do not have a number, but it appears that maybe starting on page five, there's a number starting with seventy -- well, it's actually 7802 is the number. And there's some numbers following that that are not in sequence.
Those numbers all starting with 7, are those numbers that also were added in that same fashion, to your knowledge?
A. Correct.
MR. SANGER: Okay. I have no further questions.

REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. As far as those numbers go, Detective, do you know if those numbers were added to the original documents?
A. No, they were not.
Q. Okay. So these -- do you know if these documents were ever scanned into a CD format?
A. Yes.
Q. Were they assigned JPEG numbers, or numbers?
A. Yes. 7505

1 Q. And do you know if those numbers coincide to
2 the scanned numbers?
3 MR. SANGER: That's leading.
4 MR. AUCHINCLOSS: ?Do you know??
5 THE WITNESS: I don't.
6 THE COURT: Overruled. The answer?
7 Q. BY MR. AUCHINCLOSS: Do you know?
8 A. I don't.
9 MR. AUCHINCLOSS: Okay. As far as Exhibit
10 420 goes, Your Honor, I spoke with counsel about
11 this earlier. And I asked to have marked as an
12 additional exhibit 420-A. I neglected to ask this
13 witness about those particular changes that were
14 made to that exhibit when I had him on direct, and
15 with the Court's permission, I'd just like to ask a
16 foundation about 420-A.
17 THE COURT: Okay.
18 Q. BY MR. AUCHINCLOSS: All right. Let me
19 bring up the notebook as well, or you still have the
20 original?
21 A. I have it.
22 Q. Okay. Detective, we've established that
23 some of these documents are scanned duplicates of
24 documents that were seized; is that correct?
25 A. This is the end of it.
26 Q. Did you hear my question?
27 A. Yes.
28 Q. Is that correct? 7506

A. Yes.
Q. And as far as 420 goes, do you know if 420 was also scanned into a CD format?
A. Yes, it was.
Q. Okay. And did you do that? Or, actually, not scanned. I believe pictures were taken. Do you know whether it was scanned or pictures?
A. Both.
MR. SANGER: I'm going to object as leading and asked and answered, actually.
MR. AUCHINCLOSS: I'll -- well --
THE COURT: Overruled. Next question.
Q. BY MR. AUCHINCLOSS: Do you know if it was scanned or pictures?
A. Both.
Q. Okay. Some were scanned; some were taken pictures of?
A. Some were taken pictures of. All of them were scanned.
Q. Did you have anything to do with the picture-taking?
A. Yes, I did.
Q. What did you have to do with that?
A. During a review of these evidence items after having seized them, I took photographs of certain ones which we thought were pertinent to the investigation.
Q. All right. Did you download those 7507

photographs to a CD?
A. Our forensics personnel did.
Q. Okay. Do you know if those were provided to the D.A.'s Office?
A. Yes, they were.
Q. And when you took photographs of those documents, do you know if you photographed every -- for instance, let me give you an example. When you had a picture of -- or a document that comprised more than one page, did you always photograph each page of that document?
A. No.
Q. And why was that?
A. I would have only taken photographs of the ones that appeared pertinent. In other words, if there were multiple pages stapled together or multiple pages together and only one of them was pertinent, I only took a photograph of that one pertinent page.
Q. Okay. And during the course of the review of this notebook, did you look at 420 to see if each of those e-mails or documents that are in that exhibit contained all relevant pages for each of those documents? Do you understand the question?
A. Can you ask that again, please?
Q. The question is, did you review the -- these -- the evidence notebook in this case that deals with Exhibits No. 420 through -- 7508

A. Yes.
Q. I believe we've got 440; is that right? 420 through -- 400 through 422, I think, at this point.
A. Yes, I did.
Q. Okay. And did you find that Exhibit No. 420 had some pages missing?
A. Yes.
Q. And did you then go back to the evidence and cull out the missing pages so that it would be a complete exhibit?
A. Yes.
Q. I show you Exhibit 420-A. Can you identify that for me, please?
A. These are the pages that I went and pulled out of the actual evidence item to correspond with these photographs or images.
Q. Okay. So is 420 pretty much an identical copy of 420-A, except for 420-A has some additional missing pages?
A. Yes.
Q. All right. Thank you.
I'd ask -- actually, we're going to hold off on admission of this additional evidence at this time. Those are all the questions that I have right now, Your Honor.
MR. SANGER: Do you want to take your book?
MR. AUCHINCLOSS: Yeah. Thanks.
// 7509

RECROSS-EXAMINATION
BY MR. SANGER:
Q. Okay. 420-A is now what you feel to be a more complete set of documents than 420; is that correct?
A. Correct. And they are the original documents.
MR. SANGER: All right. May I approach, Your Honor?
THE COURT: Yes.
MR. SANGER: I was given a copy.
Q. All right. So 420-A are original documents. In other words, they were documents that you found in the condition they were actually in --
A. Correct.
Q. -- during the search. They aren't photocopies. They aren't photographs.
A. Correct.
Q. They aren't scanned.
A. No.
Q. All right. There are paper clips on there. Why are the paper clips on them? Does that mean anything? Let me put it this way: Did you put the paper clips on them?
A. No, these paper clips aren't on the documents themselves. They're on the sleeve.
Q. All right. Did you put the paper clips on the sleeves? 7510

A. Did not.
Q. Okay. Now, with regard to 420, how did you -- where did these come from? You photographed them? Or you scanned them, or what? I'm not clear.
A. These are either the photographs or the scans. All of the Schaffel evidence was scanned. We also took certain photographs of them.
Q. Okay. I must say, I looked in there, and maybe I'm wrong, but I didn't see anything that looked like a photograph of a document as opposed to a photocopy or scan. Am I wrong? In 420.
A. Well, I don't know what -- how these items -- this was done by the District Attorney's Office that put together the court exhibit book here.
Q. Okay.
A. What I did is, I went and found the actual evidence item that I seized to correspond with this exhibit book.
Q. Basically you're saying you don't know how 420 was generated at all; is that correct?
A. I know where the items came from. I don't know how they got into here.
Q. All right. And then you don't know what the paper clips mean on 420-A?
A. No.
MR. SANGER: All right. Thank you. No further questions. 7511

FURTHER REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Would you look at those documents and see if you can ascertain any reason for the paper clips to be on those documents?
MR. SANGER: I'm going to ask -- that calls for speculation and asked and answered. He says he doesn't know.
MR. AUCHINCLOSS: He's reviewed the documents as far as completeness, and he's testified as to that issue as to whether the documents had missing pages, and I'm -- my question goes to that issue.
MR. SANGER: And I object to a speaking --
THE COURT: Yeah. I'll sustain the objections.
MR. SANGER: Thank you.
MR. AUCHINCLOSS: All right. I have no further questions.
THE COURT: Anything further, Counsel?
You may step down.
MR. AUCHINCLOSS: Call Detective Vic Alvarez, Your Honor, and he will be our last witness today.
THE COURT: Come forward, please. When you get to the witness stand, you may be seated. You're still under oath.
// 7512

VICTOR ALVAREZ
Having been previously sworn, resumed the stand and testified further as follows:

THE COURT: You may be seated.

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good afternoon, Detective Alvarez.
A. Good afternoon.
Q. If I may approach, Your Honor.
Detective Alvarez, did you participate in the search of the home of Fred Marc Schaffel in Calabasas, California, on January 31st, 2004?
A. Yes.
Q. Did you seize certain documents pursuant to that search?
A. I did.
Q. Calling your attention to the black notebook which contains an exhibit that is marked as 402, there is a document that's dated 11-12-01 and appears to be a balance sheet. It's two pages. And as soon as I locate it, I'd like to ask you if this was a document that you seized.
A. Yes.
Q. And you tell me, where -- did you seize that pursuant to the warrant of Mr. Schaffel's home?
A. I did. 7513

Q. Where did you seize it from?
A. It was in the upstairs office area of the residence.
Q. Okay. Was that area locked at all?
A. No.
Q. Okay. And from where in that upstairs office did you seize that document?
A. This was in the desk area of the upstairs office.
Q. Did it come from a file with any specific notation, if you recall?
A. I don't think so.
Q. Okay. Looking at Exhibit 403, which appears to be -- I believe we have 13 pages, plus a -- 12 pages, plus a -- looks to be a file divider. Did you seize that file divider and those documents pursuant to your search of Mr. Schaffel's home?
A. Yes, I did.
Q. Where did they come from?
A. These were also on -- in the office area upstairs on the desk.
Q. There appears to be a file divider, a plastic file divider, with Fires Brewing on it. Did you seize that as well?
MR. SANGER: I'm going to object to that, because they already laid the foundation without bringing in content, so this is irrelevant, and no foundation for content. 7514

THE COURT: Overruled. Proceed.
Q. BY MR. AUCHINCLOSS: Did you seize that as
well?
A. That's correct.
Q. And where did that come from?
A. This was also on the top of the desk in the
office area, second floor of the residence.
Q. Do you know where the contents of that
file -- were there documents inside that file?
A. Yes.
Q. And can you tell me their relationship to
the documents that you just identified?
A. Yes. They appear to be e-mails.
Q. Do you know if those documents came from
that file?
A. Yes, they did.
Q. Okay. The one designated with that
particular file marker?
A. Correct.
Q. That's my question.
A. Correct, yes.
Q. Moving on to 409, which appears to be a
one-page document, that has at the top Phone
Number, singular. It appears to have some phone
numbers on it. Did you seize that document,
Detective?
A. Yes, I did.
Q. And you seized that from Mr. Schaffel's 7515

home?
A. I did.
Q. Where did it come from?
A. This was also on top of -- in the office area, second floor of the residence, near -- on top of the desk, the desk in the room there.
Q. Okay. And then finally call your attention to Exhibit 419, which appears to be three pages of plastic sleeves with a check -- checkstub and check copy, it appears to be. Did you seize those documents at the search of Mr. Schaffel's home on that day?
A. I did.
Q. And can you tell me where they came from in Mr. Schaffel's residence?
A. They also came from the office, the second floor of the residence.
Q. Okay. Whereabouts?
A. These were also on the desk area of the residence, or of the room.
MR. AUCHINCLOSS: Okay. Thank you. No further questions.
Actually, I do have one additional question, I'm sorry.
Q. On a different matter, Detective, pursuant to your investigation in this case --
A. Yes.
Q. -- did you interview a witness by the name 7516

of Cindy Bell?
A. I did.
Q. Did you question her concerning her involvement as a witness in this case?
A. I did.
Q. Did you question her specifically about the issue of serving alcohol as part of her duties as a flight attendant for Xtra Jet?
A. Yes.
Q. Did she tell you whose idea -- well, first of all, let me ask you a question. Did she tell you anything about Coke or about wine in Diet Coke cans?
A. Yes.
Q. What did she tell you?
A. She said she serves white wine in a Diet Coke can for Mr. Jackson.
Q. When he's a client of Xtra Jet?
A. Correct.
Q. Did she tell you whose idea that was to put white wine or wine in a Diet Coke can?
A. Yes.
Q. What -- whose idea did she say it was?
A. She said it was either Michael Jackson's or Dr. Farshshian's.
MR. AUCHINCLOSS: Okay. Thank you. No further questions.
You know, I do have one additional question I neglected to ask. 7517

MR. SANGER: I was going to say "No questions" so we can go home, so I'll have to wait and see what happens.
THE COURT: He was going to say "No questions."
MR. AUCHINCLOSS: Oh, I'm sorry.
Q. I neglected to ask you the date of that interview, if you can approximate it.
A. I don't remember.
Q. Do you remember the approximate month?
A. I don't.
Q. Okay. Was it --
A. It's on -- it's documented on my report.
Q. Do you have your report with you?
A. I don't.
Q. You don't. Well, you might get to come back and tell us what date that was, then.
MR. SANGER: Move to strike, Your Honor.
THE COURT: Stricken.
MR. AUCHINCLOSS: I'll withdraw it. Okay. Thank you.
MR. SANGER: In light of those questions, Your Honor, I have no questions.
THE COURT: All right. Pretty good. That must end the day; is that right?
MR. AUCHINCLOSS: That's right.
THE COURT: All right. And you heard what they said this morning, that it will be -- the rest 7518

1 of the week will be a full week, so we'll see you
2 tomorrow morning at 8:30. Remember the admonition.
3 (The proceedings adjourned at 2:00 p.m.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify: That the foregoing pages 7377 through 7519 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 25, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, April 25, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER